

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Retail Food Sanitation Code

2) Code Citation: 77 Ill. Adm. Code 760

<u>Section Numbers:</u>	<u>Proposed Action:</u>
760.10	Repeal
760.15	Repeal
760.20	Repeal
760.30	Repeal
760.100	Repeal
760.110	Repeal
760.120	Repeal
760.130	Repeal
760.140	Repeal
760.150	Repeal
760.160	Repeal
760.165	Repeal
760.170	Repeal
760.180	Repeal
760.190	Repeal
760.195	Repeal
760.196	Repeal
760.197	Repeal
760.199	Repeal
760.200	Repeal
760.210	Repeal
760.220	Repeal
760.230	Repeal
760.240	Repeal
760.250	Repeal
760.260	Repeal
760.270	Repeal
760.280	Repeal
760.290	Repeal
760.400	Repeal
760.410	Repeal
760.420	Repeal

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

760.430	Repeal
760.500	Repeal
760.510	Repeal
760.520	Repeal
760.530	Repeal
760.540	Repeal
760.550	Repeal
760.560	Repeal
760.570	Repeal
760.580	Repeal
760.590	Repeal
760.600	Repeal
760.610	Repeal
760.620	Repeal
760.630	Repeal
760.640	Repeal
760.650	Repeal
760.660	Repeal
760.700	Repeal
760.710	Repeal
760.720	Repeal
760.730	Repeal
760.740	Repeal
760.750	Repeal
760.760	Repeal
760.770	Repeal
760.780	Repeal
760.790	Repeal
760.900	Repeal
760.910	Repeal
760.920	Repeal
760.930	Repeal
760.940	Repeal
760.950	Repeal
760.960	Repeal
760.970	Repeal
760.980	Repeal

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

760.990	Repeal
760.1000	Repeal
760.1010	Repeal
760.1020	Repeal
760.1030	Repeal
760.1040	Repeal
760.1050	Repeal
760.1060	Repeal
760.1070	Repeal
760.1080	Repeal
760.1090	Repeal
760.1100	Repeal
760.1110	Repeal
760.1120	Repeal
760.1130	Repeal
760.1200	Repeal
760.1210	Repeal
760.1220	Repeal
760.1230	Repeal
760.1240	Repeal
760.1250	Repeal
760.1260	Repeal
760.1270	Repeal
760.1280	Repeal
760.1290	Repeal
760.1300	Repeal
760.1310	Repeal
760.1320	Repeal
760.1330	Repeal
760.1340	Repeal
760.1350	Repeal
760.1360	Repeal
760.1370	Repeal
760.1380	Repeal
760.1390	Repeal
760.1400	Repeal
760.1410	Repeal

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

760.1420	Repeal
760.1430	Repeal
760.1440	Repeal
760.1450	Repeal
760.1460	Repeal
760.1470	Repeal
760.1480	Repeal
760.1490	Repeal
760.1600	Repeal
760.1610	Repeal
760.1700	Repeal
760.1710	Repeal
760.1720	Repeal
760.1730	Repeal
760.1740	Repeal
760.1750	Repeal
760.1760	Repeal
760.2000	Repeal
760.2010	Repeal
760.2020	Repeal
760.2030	Repeal
760.2031	Repeal
760.2032	Repeal
760.2040	Repeal
760.2041	Repeal
760.2042	Repeal
760.2050	Repeal
760.2060	Repeal
760.2070	Repeal
760.2080	Repeal
760.3000	Repeal
760.3100	Repeal
760.3200	Repeal
760.3300	Repeal
760.APPENDIX A	Repeal

- 4) Statutory Authority: Authorized by the Illinois Food, Drug and Cosmetic Act [410 ILCS

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

620] and Sanitary Food Preparation Act [410 ILCS 650].

- 5) A Complete Description of the Subjects and Issues Involved: The entire Part 760 is duplicative of Part 750 with the exception of the definition of “retail food store” contained in Part 760. This rulemaking will repeal the entire Part 760 to allow for incorporation and inclusion of the retail food store definition as part of the food service establishment definition in Part 750, thus resulting in one Part for regulation of food service establishments in local jurisdictions.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand any State mandates on units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Written or e-mail comments may be submitted within 45 days after this issue of the *Illinois Register* to:

Susan Meister  
Division of Legal Services  
Illinois Department of Public Health  
535 W. Jefferson St., 5<sup>th</sup> floor  
Springfield, Illinois 62761

217/782-2043  
e-mail: [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Retail food stores (e.g., grocery stores)
  - B) Reporting, bookkeeping or other procedures required for compliance: There will be no change in the reporting, bookkeeping or other procedures required for compliance.
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2013

The full text of the Proposed Repealer begins on the next page:

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

PART 760  
RETAIL FOOD STORE SANITATION CODE

SUBPART A: GENERAL PROVISIONS

Section	Purpose
760.10	Purpose
760.15	Incorporated Materials
760.20	Definitions
760.30	Inspections and Inspection Report

SUBPART B: FOOD

Section	Purpose
760.100	General – Food Supplies
760.110	Special Requirements for Food Supplies
760.120	General – Food Protection
760.130	Emergency Occurrences
760.140	General – Food Storage
760.150	Refrigerated/Frozen Storage
760.160	Hot Storage
760.165	Damaged Food Containers
760.170	General – Food Preparation
760.180	Preparing Raw Fruits and Raw Vegetables
760.190	Cooking Potentially Hazardous Foods
760.195	Minimum Food Temperature and Holding Time Required Under Section 760.190(a)(2) for Cooking All Parts of Pork and Game Animals, Comminuted Fish and Meats, and Injected Meats
760.196	Oven Parameters Required for Destruction of Pathogens on the Surface of Roasts of Beef and Corned Beef
760.197	Minimum Holding Times Required at Specified Temperatures for Cooking All Parts of Roasts of Beef and Corned Beef
760.199	Microwave Cooking

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

760.200	Bakery Product Fillings
760.210	Reheating
760.220	Food Product Thermometers
760.230	Thawing Potentially Hazardous Foods
760.240	Displaying Potentially Hazardous Foods
760.250	Displaying Frozen Foods
760.260	Food Display
760.270	Dispensing Utensils
760.280	Food Sample Demonstrations and Food Promotions
760.290	General - Food Transportation by the Retail Food Store

SUBPART C: PERSONNEL

Section	
760.400	General – Employee Health
760.410	General – Personal Cleanliness
760.420	General – Clothing
760.430	General – Employee Practices

SUBPART D: EQUIPMENT AND UTENSILS

Section	
760.500	General – Materials
760.510	Solder
760.520	Wood
760.530	Plastics and Rubber Materials
760.540	Cutting Surfaces
760.550	Single-Service Articles
760.560	General – Design and Fabrication
760.570	Accessibility
760.580	Cleaned in Place (CIP)
760.590	Food Product Thermometers
760.600	Non-Food-Contact Surfaces
760.610	Ventilation Hoods
760.620	Maintenance of Equipment and Utensils
760.630	General – Equipment Installation and Location
760.640	Table-Mounted Equipment

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

760.650 Floor-Mounted Equipment  
760.660 Aisles and Working Spaces

SUBPART E: CLEANING, SANITIZATION,  
AND STORAGE OF EQUIPMENT AND UTENSILS

Section

760.700 Cleaning Frequency  
760.710 Wiping Cloths  
760.720 Manual Cleaning and Sanitizing  
760.730 Mechanical Cleaning and Sanitizing  
760.740 Drying  
760.750 Retail Food Stores Without Equipment and Utensil Cleaning Facilities  
760.760 Equipment and Utensil Handling  
760.770 Equipment and Utensil Storage  
760.780 Single-Service Articles Handling and Storage  
760.790 Prohibited Storage Areas

SUBPART F: SANITARY FACILITIES AND CONTROLS

Section

760.900 General – Water Supply  
760.910 Water Delivery  
760.920 Water Under Pressure  
760.930 Steam  
760.940 General – Sewage  
760.950 General – Plumbing  
760.960 Nonpotable Water System  
760.970 Backflow  
760.980 Grease Traps  
760.990 Garbage Grinders  
760.1000 Drains  
760.1010 Toilet Installation  
760.1020 Toilet Design  
760.1030 Toilet Rooms  
760.1040 Toilet Facility Maintenance  
760.1050 Handwashing Facility Installation

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

760.1060	Handwashing Facility Faucets
760.1070	Handwashing Supplies
760.1080	Handwashing Facility Maintenance
760.1090	Garbage and Refuse Containers
760.1100	Garbage and Refuse Container Storage
760.1110	Garbage and Refuse Disposal
760.1120	General – Insect and Rodent Control
760.1130	Openings to be Protected Against Entry of Rodents and Insects

SUBPART G: CONSTRUCTION AND MAINTENANCE  
OF PHYSICAL FACILITIES

Section

760.1200	Floor Construction
760.1210	Floor Carpeting
760.1220	Prohibited Floor Covering
760.1230	Mats and Duckboards
760.1240	Utility Line Installation
760.1250	Wall and Ceiling Maintenance
760.1260	Wall and Ceiling Construction
760.1270	Exposed Construction of Walls and Ceilings
760.1280	Utility Line Installation in or on Walls and Ceilings
760.1290	Attachments to Walls and/or Ceilings
760.1300	Wall and Ceiling Covering Material Installation
760.1310	General – Cleaning Physical Facilities
760.1320	Service Sinks for Cleaning
760.1330	General – Lighting
760.1340	Protective Light Shielding
760.1350	General - Ventilation
760.1360	Dressing Rooms and Areas
760.1370	Locker Areas
760.1380	Poisonous or Toxic Materials Permitted
760.1390	Labeling of Poisonous or Toxic Materials
760.1400	Storage of Poisonous or Toxic Materials
760.1410	Use of Poisonous or Toxic Materials
760.1420	Storage and Display of Poisonous or Toxic Materials for Retail Sale
760.1430	First-Aid Supplies and Personal Medications

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

760.1440	General – Premises
760.1450	Living Areas
760.1460	Laundry Facilities
760.1470	Linens and Work Clothes Storage
760.1480	Cleaning Equipment Storage
760.1490	Animals

SUBPART H: NEW FACILITIES AND EXISTING  
EQUIPMENT AND FACILITIES

Section	
760.1600	New Facilities
760.1610	Existing Equipment and Facilities

SUBPART I: TEMPORARY RETAIL FOOD STORES

Section	
760.1700	General – Temporary Retail Food Stores
760.1710	Restricted Operations
760.1720	Wet Storage
760.1730	Waste Disposal
760.1740	Handwashing
760.1750	Floors
760.1760	Ceilings

SUBPART J: REDUCED OXYGEN PACKAGING

Section	
760.2000	General
760.2010	Acceptable Products
760.2020	Employee Training
760.2030	Refrigeration Requirements
760.2031	Labeling – Refrigeration Statements
760.2032	Labeling – "Use By" Dates
760.2040	Safety Barriers
760.2041	Fish and Fishery Products
760.2042	Safety Barrier Verification

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

760.2050	Hazard Analysis Critical Control Point (HACCP) Program
760.2060	Precautions Against Contamination
760.2070	Disposition of Expired Product
760.2080	Dedicated Area/Restricted Access

SUBPART K: MEAT/POULTRY PROCESSING AND LABELING

Section

760.3000	Exceptions
760.3100	Meat and Poultry Labeling
760.3200	Smoked Meat, Poultry and Other Food Products
760.3300	Curing of Meat and Poultry

760.APPENDIX A                      Retail Food Sanitary Inspection Report

AUTHORITY: Implementing the Illinois Food, Drug and Cosmetic Act [410 ILCS 620] and the Sanitary Food Preparation Act [410 ILCS 650] and authorized by Section 21 of the Illinois Food, Drug and Cosmetic Act [410 ILCS 620/21] and Section 11.1 of the Sanitary Food Preparation Act [410 ILCS 650/11.1].

SOURCE: Adopted September 16, 1968; old rules repealed and new rules adopted and codified at 7 Ill. Reg. 1382, effective January 25, 1983; amended at 7 Ill. Reg. 8532, effective July 8, 1983; amended at 11 Ill. Reg. 2440, effective February 1, 1987; amended at 11 Ill. Reg. 18743, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 14391, effective September 2, 1988, for a maximum of 150 days; adopted at 12 Ill. Reg. 17935, effective December 1, 1988; amended at 13 Ill. Reg. 1830, effective January 30, 1989; amended at 13 Ill. Reg. 18621, effective December 1, 1989; amended at 16 Ill. Reg. 16050, effective October 1, 1992; amended at 20 Ill. Reg. 2201, effective January 20, 1996; amended at 20 Ill. Reg. 3307, effective February 5, 1996; Part repealed at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART A: GENERAL PROVISIONS

**Section 760.10 Purpose**

This Part shall be liberally construed and applied to promote its underlying purpose of protecting the public health.

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

**Section 760.15 Incorporated Materials**

The following materials are incorporated or referenced in this Part:

- a) Salvage Warehouses and Stores for Foods, Alcoholic Liquors, Drugs, Medical Devices and Cosmetics (77 Ill. Adm. Code 725).
- b) The Illinois Plumbing Code (77 Ill. Adm. Code 890).
- c) Drinking Water Systems Code (77 Ill. Adm. Code 900).
- d) Official Methods of Analysis of the Association of Official Analytical Chemists, 15th Edition, published by the Association of Official Analytical Chemists (1990), 111 North Nineteenth Street, Suite 210, Arlington, Virginia 22209.
- e) Standard Methods for the Examination of Dairy Products, 15th Edition, published by the American Public Health Association (1989), 1015 Fifteenth Street, N.W., Washington, D.C. 20036.
- f) Code of Federal Regulations, published by the Office of the Federal Register, National Archives and Records Administration (1995), U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D.C. 20402-9328
  - 1) 9 CFR 1 (Animals and Animal Products; Animal Welfare, Definition of Terms);
  - 2) 9 CFR 301 (Animals and Animal Products; Mandatory Meat Inspection, Definitions);
  - 3) 9 CFR 318 (Animals and Animal Products; Mandatory Meat Inspection, Entry into official establishments; reinspection and preparation of products); and
  - 4) 9 CFR 381 (Animals and Animal Products; Mandatory Poultry Products Inspection, Poultry products inspection regulations).

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

**Section 760.20 Definitions**

For the purpose of this Part:

"Acceptable product list" means a list of foods, acceptable to the regulatory authority, which because of their characteristics will present a barrier to the growth of *Clostridium botulinum*.

"Barrier" means a safety factor of a physical, biological, or chemical nature which inhibits or minimizes the growth of microorganisms including those which may be infectious or toxigenic.

"Beef pattie mix" (or "Beef Patties" if in pattie form) means chopped beef with or without the addition of beef fat as such and/or seasonings.

"Bulk food" means processed or unprocessed food in aggregate containers from which quantities desired by the consumer are withdrawn.

"Cold smoke process" is a smoking process used to apply smoke or a smoke flavor at or below ambient temperature to food products not sufficiently darkened in the original smoking operation.

"Comminuted" means reduced in size by methods including chopping, flaking, grinding or mincing. It includes fish or meat products that are reduced in size and restructured or reformulated, such as gefilte fish, formed roast beef, gyros, ground beef, and sausage; and a mixture of 2 or more types of meat that have been reduced in size and combined, such as sausages made from 2 or more meats.

"Controlled atmosphere packaging (CAP)" means an active packaging system which continuously maintains the desired atmosphere within the package throughout the shelf-life of the product. CAP uses an agent to bind or "scavenge" oxygen permeating the package, or a sachet to emit a gas.

"Cook-chill processing" means a process in which a plastic bag is filled with hot cooked food and the air is expelled while the bag is being sealed before being blast or tumble chilled.

## ILLINOIS REGISTER

---

### DEPARTMENT OF PUBLIC HEALTH

#### NOTICE OF PROPOSED REPEALER

"Corrosion-resistant materials" means those materials that maintain acceptable sanitary surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and sanitizing solutions, and other conditions of the use environment.

"Critical control point" means any point or procedure in a specific food processing or packaging operation where loss of control may result in an unacceptable health risk.

"Curing" means the placing in or on edible flesh of approved ingredients, such as a solution or mixture containing chloride and nitrite salts of sodium or potassium, water, sodium erythorbate or ascorbate, sodium phosphates, sweeteners (dextrose and cane sugar) and flavorings.

"Department" means the Illinois Department of Public Health.

"Dedicated equipment or personnel" means equipment or personnel reserved solely for the use of one food processing operation to prevent cross-contamination.

"Easily cleanable" means that surfaces are readily accessible and made of such material and finish and so fabricated that residue can be effectively removed by normal cleaning methods.

"Employee" means the permit holder, individual having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or any other person working in a food store.

"Equipment" means items other than utensils used in the storage, preparation, display, and transportation of food, such as stoves, ovens, hoods, slicers, grinders, mixers, scales, meat blocks, tables, food shelving, reach-in refrigerators and freezers, sinks, ice makers, and similar items used in the operation of a retail food store. This item does not include fork lift trucks or dollies.

"Field dressed" means the removal of the visceral organs of an animal following the animal's death in the field.

# ILLINOIS REGISTER

---

## DEPARTMENT OF PUBLIC HEALTH

### NOTICE OF PROPOSED REPEALER

"Food" means any raw, cooked, or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.

"Food-contact surfaces" means those surfaces of equipment and utensils with which food normally comes into contact, and those surfaces from which food may drain, drip, or splash back onto surfaces normally in contact with food.

"Food employee" means an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces.

"Food service establishment" means any place where food is prepared and intended for, though not limited to, individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term includes delicatessens that offer prepared food in individual service portions. The term does not include lodging facilities serving only a continental breakfast (a continental breakfast is one limited to only coffee, tea, and/or juice and commercially prepared sweet baked goods), private homes where food is prepared or served for individual family consumption, retail food stores, the location of food vending machines, and supply vehicles.

"Game animal" means an animal, the products of which are food, that is not classified as cattle, sheep, swine, or goat in 9 CFR 301 (Mandatory Meat Inspection, Definitions); as poultry in 9 CFR 381 (Mandatory Poultry Products Inspection, Poultry products inspection regulations); as meat in the Illinois Meat and Poultry Act [225 ILCS 650]; or as fish. Game animal includes wild and not domestically raised animals such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, bear, and muskrat; aquatic and nonaquatic birds such as wild ducks and geese, quail, and pheasant; nonaquatic reptiles such as rattlesnakes; and aquatic mammals. It also includes exotic animals as defined in 9 CFR 1 (Animal Welfare, Definition of Terms), such as lion, tiger, leopard, elephant, camel, antelope, anteater, kangaroo and water buffalo, and species of foreign domestic cattle, such as Ankole, Gayal and Yak.

## ILLINOIS REGISTER

---

### DEPARTMENT OF PUBLIC HEALTH

#### NOTICE OF PROPOSED REPEALER

"Ground beef" means chopped or ground beef with or without seasoning and without the addition of beef fat and shall not contain more than 30 percent fat.

"Hamburger" means chopped beef with or without the addition of beef fat and/or seasoning and shall not contain more than 30 percent fat.

"Hazard Analysis Critical Control Point (HACCP) Program" means a comprehensive food safety control plan which includes a step-by-step description of the food processing, packaging and storage procedures including identification of critical control points (CCPs); the food contact surface cleaning and sanitizing procedures; lot identification procedures and training procedures.

"Hermetically sealed container" means a container which is designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of its contents after processing.

"Injected" means manipulating a meat so that infectious or toxigenic microorganisms may be introduced from its surface to its interior through tenderizing with deep penetration or injecting the meat, such as with juices, which may be referred to as injecting, pinning or stitch pumping.

"Law" includes applicable Federal, State, and local statutes, ordinances, and regulations.

"Lot" means a unique run of processed or packaged product with a specifically designated date and processing operation.

"Modified Atmosphere Packaging (MAP)" means a one-time gas-flushing and sealing process. The gas atmosphere within the package after sealing is then allowed to passively change due to factors of container permeability and food product respiration.

"Official Methods of Analysis" means the Official Methods of Analysis of the Association of Official Analytical Chemists, 15th Edition, or Standard Methods for Examination of Dairy Products, 15th Edition, as incorporated in Section 760.15(d) and (e).

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

"Packaged" means bottled, canned, cartoned, bagged, or securely wrapped.

"Partially defatted beef fatty tissue" means a beef by-product derived from the low temperature rendering (not exceeding 120 degrees Fahrenheit) of fresh beef tissue. Such product shall have a pinkish color and a fresh odor and appearance.

"Person" includes any individual, partnership, corporation, association, or other legal entity.

"Person in charge" means the individual present in a retail food store who is the supervisor of the retail food store at the time of inspection.

"Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, and which is in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include foods that have a pH level of 4.6 or below or a water activity (a(w)) value of 0.85 or less under standard conditions; food products in hermetically sealed containers processed to prevent spoilage.

"Preservative" means any curing agent or curing accelerator (specific chemical agent which extends the shelf life of the product) which cures, accelerates color fixing or preserves color in meat or poultry products including but not limited to sodium or potassium nitrate, sodium or potassium nitrite, ascorbic acid, erythorbic acid, glucono delta lactone, sodium ascorbate, sodium erythorbate, citric acid, sodium citrate or sodium benzoate.

"Processing" means to manufacture, compound, intermix or prepare food products for sale or for customer service.

"Ready-to-eat food" means food that is in a form that is edible without washing, cooking, or additional preparation by the food establishment or the consumer and that is reasonably expected to be consumed in that form. Ready-to-eat food includes:

Unpackaged potentially hazardous food that is cooked to the temperature and time required for specific food under Section 760.190;

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

Raw, washed, cut fruit and vegetables;

Whole raw fruits and vegetables that are intended for consumption without the need for further washing, such as at a buffet, but excludes whole raw fruits and vegetables offered for retail sale; and

Other food presented for consumption for which further washing or cooking is not required and from which rinds, peels, husks, or sheets are removed.

"Regulatory authority" means the State and/or local enforcement authority or authorities having responsibility for enforcing this Part.

"Retail food store" means any establishment or section of an establishment where food and food products are offered to the consumer and intended for, though not limited to, off-premises consumption. The term includes delicatessens that offer prepared food in bulk quantities only. The term does not include establishments which handle only prepackaged spirits; roadside markets that offer only fresh fruits and fresh vegetables for sale; food service establishments; or food and beverage vending machines.

"Safe materials" means articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food.

"Sanitization" means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level (when those disease organisms which may be present are destroyed so as to prevent transfer) on cleaned food-contact surfaces of utensils and equipment,

"Sealed" means free of cracks or other openings that permit the entry or passage of moisture.

"Showering" means a potable water spray with or without liquid smoke in the smoke house which, depending on when the water spray is applied, maintains

## ILLINOIS REGISTER

---

### DEPARTMENT OF PUBLIC HEALTH

#### NOTICE OF PROPOSED REPEALER

humidity, flavors, decreases cooking time, promotes rapid cooling or reduces casing shrinkage.

"Single-service articles" means items used by the retailer or consumer such as cups, containers, lids, and packaging materials, including bags and similar articles, intended for contact with food, and designed for one-time use. The term does not include "single use" articles such as number 10 cans, aluminum pie pans, bread wrappers and similar articles into which food has been packaged by the manufacturer.

"Smoke generator" means a piece of equipment attached or integral to a smoke house which provides smoke to the smoke house, usually by slowly augering sawdust onto a heating element with the resulting smoke being drawn into the smokehouse.

"Smoke house" means a piece of equipment or room sized enclosure used to conduct the smoking process with a smoke source, adequate ventilation, heat and humidity source if necessary, approved plumbing and waste lines if necessary, support structures for the food products to be smoked and a method to determine internal product temperature.

"Smoking" means the process of subjecting meat cuts and other foods to an environment of heat and smoke generated from hardwood, hardwood sawdust, corn cobs or natural liquid smoke that has been transformed into a gaseous state by application of direct heat.

"Special event" means a unique event at a particular location such as a celebration, festival or fundraiser that occurs no more than twice a year.

"Temporary Retail Food Store" means a retail store that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration. The term does not include establishments that handle only fresh fruits and fresh vegetables, or temporary food service establishments.

"Transportation" (transported) means movement of food within the retail food store or delivery of food from that retail food store to another place while under

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

the control of the person in charge.

"Utensil" means any food-contact implement used in the storage, preparation, transportation, or dispensing of food.

"Voluntary inspection" means an inspection of meat or poultry products, which are not subject to the federal or State meat or poultry inspection laws, and for which the federal or State mark of inspection is requested.

"Warewashing" means the cleaning and sanitizing of food-contact surfaces of equipment and utensils.

**Section 760.30 Inspections and Inspection Report**

- a) All retail food stores are subject to inspection at all times.
- b) The operator of the retail food store shall receive a written report from the regulatory authority at the end of any inspection. The inspection findings shall be reported on the "Retail Food Sanitary Inspection Report", Form IL 482-0200 (See Appendix A) or on a report form substantially similar which, includes at a minimum, the same information and addresses all forty-five (45) items.
- c) All forty-five (45) items on the inspection report shall be addressed and rated in accordance with the Illinois Retail Food Store Sanitation Code, 77 Ill. Adm. Code 760.
- d) An alternate scoring system, as approved by the Director and which evaluates all aspects of the Illinois Retail Food Store Sanitation Code, may be substituted for the current scoring system of 100 points minus debit points. This may include systems, for example, where each violation rather than each item is assigned a weight, where an additional point value is debited for lack of the required certified food service manager, if applicable, where critical violations carry a larger than usual point value because of inherent risk, where separate scoring systems are instituted for critical and non-critical violations, or other effective methods which assist the inspector in making an evaluation of the sanitation level in the food establishment.

## ILLINOIS REGISTER

---

### DEPARTMENT OF PUBLIC HEALTH

#### NOTICE OF PROPOSED REPEALER

- 1) The approval process would require any regulatory authority who seeks to use an alternate scoring system to submit a complete description of the alternate to the Director for consideration. The application/approval process consists of the following:
  - A) A descriptive statement provided by the applicant shall indicate that the alternate scoring system evaluates all items on the Retail Food Sanitation Inspection Report (Form IL 482-0200) and all sections of the Food Service Sanitation and Retail Food Store Sanitation Codes.
  - B) A printed example of the proposed alternate scoring system shall be provided.
  - C) An examination of the applicant's form must show that all other aspects of the form besides the alternate scoring system are still substantially similar to the Department's form (Form IL 482-0200).
  - D) Providing the application fulfills subsections (A) through (C) above, notification will be provided by the Director in writing that the alternate scoring system is approved and may be incorporated into the regulatory authority's Retail Food Sanitary Inspection form.
- 2) The Illinois Department of Public Health method for determining the number of debit points is patterned after the United States Food and Drug Administration model. A perfect score is 100 points. Each violation is categorized ("item" number column on the inspection form) and has a corresponding value which is deducted from the 100 point score ("weight" column on the inspection form).

#### SUBPART B: FOOD

##### **Section 760.100 General – Food Supplies**

Food shall be in sound condition and safe for human consumption. Food shall be obtained from sources that comply with the applicable laws relating to food safety. Food prepared in a home

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

shall not be used or offered for sale. Hermetically sealed food which has been processed in a place other than a wholesale food processing establishment is prohibited except where it is in compliance with Subpart J, Reduced Oxygen Packaging, of this Part.

**Section 760.110 Special Requirements for Food Supplies**

- a) Fluid milk and fluid milk products used or offered for sale shall comply with the Grade 'A' standards as established by law. Dry milk and milk products used or offered for sale shall be made from pasteurized milk and milk products.
- b) Fresh and frozen shucked shellfish (oysters, clams, or mussels) shall be received and/or repacked in non-returnable packages identified with the name and address of the original shell stock processor, shucker-packer, or repacker, and the State certification number issued according to law. Shucked shellfish shall be kept in the container in which they were received until used or sold.
- c) Each original container of unshucked shellfish (oysters, clams, or mussels) shall be identified by an attached tag, to be retained for a period of 90 days, that states the name and address of the original shellfish processor, the kind and quantity of shellfish, and the certification number issued by the State or foreign shellfish control agency, where applicable. Each shucked shellfish invoice shall be retained for a period of 90 days and be made available for inspection by the health department.
- d) Only clean shell Grade A eggs meeting applicable grade standards or pasteurized liquid, frozen or dry eggs, or pasteurized dry egg products shall be used or offered for sale.
- e) Only ice which has been manufactured from potable water and handled in a sanitary manner shall be used or offered for sale. Ice offered for sale shall be packaged.
- f) Game animals received for sale of service must comply with the criteria specified below.
  - 1) Game animals commercially farm-raised for food shall be raised, slaughtered, and processed under either a routine or voluntary inspection

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

program, as provided below.

- A) For a routine (mandatory) inspection program conducted by the United States Department of Agriculture or Illinois Department of Agriculture, the game animals shall be raised, slaughtered and processed according to applicable laws governing meat and poultry.
  - B) Any voluntary inspection program shall be conducted by the agency that has animal health jurisdiction (the United States Department of Agriculture, Illinois Department of Agriculture or other regulatory agency).
- 2) Field dressed wild game animals donated under the Good Samaritan Food Donor Act [745 ILCS 50] shall:
- A) Receive a postmortem inspection by a veterinarian, veterinarian's designee, professional biologist or other person familiar with the conditions, parasites and diseases of the species, approved by the regulatory agency that has animal health jurisdiction;
  - B) Have been field dressed and transported according to requirements specified by the regulatory agency that has animal health jurisdiction; and
  - C) Be processed according to laws governing meat and poultry as determined by the regulatory agency that has animal health jurisdiction and conducts the inspection program.
- 3) Exotic species of animals, including animals raised for exhibition purposes in a zoo or circus, used for food shall:
- A) Be raised, slaughtered and processed under a voluntary or mandatory inspection program; or
  - B) i) Receive antemortem and postmortem examination; and

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

- ii) Be slaughtered and processed according to laws governing meat and poultry as determined by the regulatory agency that has animal health jurisdiction and conducts the inspection program.
- g) Uninspected, field dressed, wild game served at special events such as wild game dinners shall:
  - 1) Have placards displayed in a conspicuous location throughout the event identifying the food served as uninspected wild game as provided for in the Good Samaritan Food Donor Act [745 ILCS 50].
  - 2) Comply with all other food sanitation requirements specified in this Part.
  - 3) Not be served at institutions and facilities such as nursing homes and hospitals that primarily serve highly susceptible individuals.
- h) Each retail food establishment location shall obtain written permission from the appropriate regulatory authority responsible for retail food protection in that jurisdiction before packaging foods in a reduced oxygen atmosphere. Reduced oxygen packaging shall consist of cook-chill processing, vacuum-packaging, modified atmosphere packaging (MAP) or controlled atmosphere packaging (CAP). The request from the retail establishment and approval from the regulator shall be product specific and shall be issued according to the requirements listed in Subpart J of this Part.
- i) Every food pre-packaged in advance of retail sale must bear the following information in English on its label (Bulk foods require the same information to be provided on placards, bin labels or counter cards, excluding net contents.):
  - 1) The common and/or usual name of the product;
  - 2) The name, address and zip code of the manufacturer, processor, packer, preparer or distributor;
  - 3) The net contents of the package;
  - 4) A list of ingredients in the order of their predominance by weight with

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

ingredients shown by their common or usual name; and

- 5) A list of any artificial color, artificial flavor or preservative used.
- j) Foods packaged or repackaged by charitable or not-for-profit organizations for distribution to people in need shall bear the common and/or usual name of the product and the name of the distributing organization. A list of ingredients for any multi-ingredient product shall be posted or made available upon request. Prepared, ready-to-eat foods donated by food service establishments to charitable or not-for-profit organizations are exempt from the ingredient listing requirements of this subsection.
- k) The processing and labeling of ground meats/poultry and other meat/poultry products shall be done in compliance with Subpart K of this Part.
- l) Pasteurized soft serve mix and frozen desserts shall comply with the Standards listed below.  
The products shall be tested in accordance with tests and examinations contained in the 15th edition of Official Methods of Analysis of the Association of Official Analytical Chemists or in the 15th edition of Standard Methods for the Examination of Dairy Products.  
\*Except frozen yogurt with live culture added.
- m) Consumer Advisory. Effective July 1, 1996, if a retail food store offers any raw or under-cooked animal food, such as meat, poultry, eggs or seafood (including shellfish), in ready-to-eat form or offers any read-to-eat food containing animal food as a raw ingredient, the retail food store operator shall advise consumers of the presence of such raw or under-cooked animal food and advise consumers of the increased health risk of eating such foods in raw or under-cooked form, especially for certain populations.
  - 1) If menu or food items containing such raw or under-cooked animal food (e.g., steak tartare or Caesar salad containing raw unpasteurized eggs) are routinely offered, such consumer advisory shall clearly identify the food item that contains the raw or under-cooked animal food.
  - 2) If a retail food store does not routinely offer food items containing raw or

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

under-cooked animal food, but will serve under-cooked meat, eggs or seafood upon the request of a consumer/patron, a general consumer advisory shall be provided. The advisory does not need to identify the food item that a consumer might request in an under-cooked condition.

- 3) The required consumer advisory may be in the form of a brochure, deli case or menu advisory, label statement, table tent, placard or other written notification that is visible to patrons. The advisory shall include the following:

"The Illinois Department of Public Health advises that eating raw or under-cooked meat, poultry, eggs, or seafood poses a health risk to everyone, but especially the elderly, young children under age 4, pregnant women, and other highly susceptible individuals with compromised immune systems. Thorough cooking of such animal foods reduces the risk of illness."

- 4) If space permits, any consumer advisory may include additional language such as the following:

"For further information, contact your physician or public health department."

**Section 760.120 General - Food Protection**

- a) At all times, including while being stored, prepared, displayed, dispensed, packaged, or transported, food shall be protected from cross-contamination between foods and from potential contamination by insects, insecticides, rodents, rodenticides, probe-type price or probe-type identification tags, unclean equipment and utensils, unnecessary handling, flooding, draining, and overhead leakage or condensation, or other agents of public health significance. Prior to July 1, 1996, the temperature of potentially hazardous foods shall be 45°F or below or 140°F or above, at all times, except as otherwise provided in this Part. Effective July 1, 1996, the temperature of potentially hazardous foods shall be 41°F or below, or 140°F or above, at all times, except as otherwise provided in this Part. Refrigeration units unable to maintain a product temperature of 41°F may continue to be used until January 1, 2006, provided the product temperature

## ILLINOIS REGISTER

---

### DEPARTMENT OF PUBLIC HEALTH

#### NOTICE OF PROPOSED REPEALER

is maintained at 45°F or less at all times and all potentially hazardous foods prepared on-site or opened containers/packages of commercially processed food products are dated and refrigerated for no longer than three days after preparation or opening, respectively. In the event the dated product is not used or sold within 3 days, the product shall be discarded.

- b) Hermetically sealed packages shall be handled so as to maintain product and container integrity. Food items that are spoiled or that are in damaged containers that may affect the product and those food items that have been returned to, or are being detained by, the retail food store because of spoilage, container damage, or other public health considerations, shall be segregated and held in designated areas pending proper disposition unless disposed of under the supervision of the regulatory authority.

#### **Section 760.130 Emergency Occurrences**

The person in charge of a retail food store that is affected by a fire, flood, extended power outage, or a similar significant occurrence that creates a reasonable probability that food in the retail food store may have been contaminated or that the temperature level of food which is in a potentially hazardous form may have caused that food to have become hazardous to health, shall take such action as is necessary to protect the public health and shall promptly notify the regulatory authority of the emergency.

#### **Section 760.140 General – Food Storage**

- a) Food packaged in an immediate closed container, once the container is opened in the retail food store prior to use or retail sale, shall be kept covered. Food, whether raw or prepared, if removed from the immediate closed container in which it was originally packaged prior to use or retail sale, shall be stored in a clean, covered container, except during necessary periods of preparation. Whole and unprocessed fresh raw vegetables and fresh raw fruits shall be exempted from this requirement. Container covers shall be impervious and nonabsorbent. During periods of storage, subprimal cuts of meat shall be covered with single-service wrapping material. Primal cuts, quarters or sides of meat, or processed meats such as country hams, slab bacon, and smoked or cured sausages, may be hung uncovered on clean, sanitized hooks or placed on clean, sanitized metal racks in such a manner as to preclude contamination of any food products in

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

storage.

- b) Containers of food shall be stored a minimum of six (6) inches above the floor or stored on dollies, skids, racks, or open-ended pallets, provided such equipment is easily movable, either by hand or with the use of pallet-moving equipment that is on the premises and used. Such storage areas shall be kept clean. Cased food packaged in cans, glass, or other waterproof containers need not be elevated when the case of food is not exposed to floor moisture and the storage area is kept clean.
- c) Food and containers of food shall not be stored under exposed or unprotected sewer lines, or water lines that are leaking or on which condensed water has accumulated.
- d) Packaged foods shall not be stored in contact with water or undrained ice.
- e) A food ingredient, such as flour, sugar, salt, baking powder, cooking oil or vinegar, that is not stored in the original package and is not readily identifiable on sight, shall be stored in a container identifying it by common name.
- f) Toilet rooms and their vestibules, and garbage or mechanical rooms shall not be used for the storage of food.

**Section 760.150 Refrigerated/Frozen Storage**

- a) Refrigeration units or effectively insulated units shall be provided in such number and of such capacity to assure the maintenance of potentially hazardous food at required temperatures during storage.
- b) Each mechanically refrigerated unit storing potentially hazardous food shall be provided with a numerically scaled indicating thermometer, accurate to  $\pm 3^{\circ}\text{F}$ . The sensing element shall be located to measure the air temperature in the unit at a location that is representative of the air temperature in the unit. The thermometer scale shall be located to be easily readable. Recording thermometers, accurate to  $\pm 3^{\circ}\text{F}$  may be used in lieu of indicating thermometers.
- c) Prior to July 1, 1996, potentially hazardous food requiring refrigeration after

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

preparation shall be rapidly cooled to an internal temperature of 45°F or below. Effective July 1, 1996, potentially hazardous foods shall be rapidly cooled to an internal temperature of 41°F, unless the food is cooled to an internal temperature of 45°F, dated, and refrigerated at 45°F for no more than three days as specified in Section 760.120. Potentially hazardous foods of large volume or prepared in large quantities shall be rapidly cooled utilizing such methods as shallow pans, agitation, quick chilling, or water circulation external to the food container. Prior to July 1, 1996, potentially hazardous food to be transported shall be pre-chilled and held at a temperature of 45°F or below unless maintained in accordance with the hot storage requirements of this Part. Effective July 1, 1996, potentially hazardous food to be transported shall be pre-chilled and held at a temperature of 41°F or below unless maintained in accordance with the hot storage requirements of this Part.

- 1) Effective July 1, 1996, cooked potentially hazardous food shall be cooled:
  - A) From 140°F (60°C) to 70°F (21°C) within 2 hours; and
  - B) From 70°F (21°C) to 41°F (4.5°C), or below, within 4 hours or within a total of 6 hours.
- 2) Effective July 1, 1996, potentially hazardous food shall be cooled to 41°F (4.5°C) or below within 4 hours if prepared from ingredients at ambient temperature, such as reconstituted foods and canned tuna.
- 3) Effective July 1, 1996, fluid milk and milk products, shell eggs, and molluscan shellstock received in compliance with laws regulating the respective food during shipment from the supplier shall be cooled to 41°F (4.5°C) or below within 4 hours.
- d) Potentially hazardous frozen foods shall be kept frozen and should be stored at an air temperature of 0°F or below except for defrost cycles and brief periods of loading or unloading.
- e) Ice used as a cooling medium for food storage shall not be used or sold for human consumption.

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

- f) Upon delivery, intact shell eggs shall be stored at a temperature of 45°F or less, prior to July 1, 1996. Effective July 1, 1996, upon delivery, intact shell eggs shall be stored at a temperature of 41°F or less, unless the eggs are dated and refrigerated at 45°F for no more than three days as specified in Section 760.120.

**Section 760.160 Hot Storage**

- a) Hot food storage units shall be provided in such number and of such capacity as to assure the maintenance of potentially hazardous food at the required temperature during storage. Each hot food storage unit storing potentially hazardous food shall be provided with a numerically scaled indicating thermometer, accurate to °3F. The sensing element shall be located to measure the air temperature in the unit at a location that is representative of the temperature in the unit. The thermometer scale shall be located to be easily readable. Recording thermometers accurate to °3F may be used in lieu of indicating thermometers. Where it is impractical to install thermometers on equipment such as heat lamps, calrod units, or insulated food transport carriers, a food product thermometer shall be available and used to check internal food temperature.
- b) The internal temperature of potentially hazardous foods requiring hot storage shall be 140°F or above, except during necessary periods of preparation. Potentially hazardous food to be transported shall be held at a temperature of 140°F or above unless maintained in accordance with the refrigerated storage requirements of this Part.

**Section 760.165 Damaged Food Containers**

Retail food stores shall utilize the guidelines established in the Department's rules for Salvage Warehouses and Stores for Foods, Alcoholic Liquors, Drugs, Medical Devices and Cosmetics (77 Ill. Adm. Code 725) when determining if damaged food containers are acceptable for sale to the public.

**Section 760.170 General - Food Preparation**

In an effort to prevent the transmission of pathogenic organisms from humans, food shall be prepared with the least possible manual contact, with suitable utensils and surfaces that prior to

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

use have been cleaned, rinsed and sanitized to prevent cross-contamination.

- a) Food employees shall avoid direct contact (i.e., using bare hands) with ready-to-eat food whenever possible and, to the extent possible, shall handle ready-to-eat food only with suitable utensils such as deli tissue, spatulas, tongs, or single-use gloves. Handling of ready-to-eat food with suitable utensils is not a substitute for proper hand washing. Use of utensils, including deli tissue, spatulas, tongs or single-use gloves, shall be preceded by thorough handwashing.
- b) If gloves are used to handle ready-to-eat food, they shall be single-use gloves, i.e., shall be used for only one task (preparing/handling ready-to-eat food), shall be used for no other purpose and shall be discarded when damaged or soiled or when interruptions occur in operations.
- c) At least annually, each food service establishment shall review its operations to identify and document any procedures where ready-to-eat food must be routinely handled with bare hands. This annual review shall include the following components:
  - 1) Those routine procedure/work stations that necessitate direct hand contact with ready-to-eat food shall be identified and listed. This list shall be made available, upon request, to the Department or any local health department responsible for licensing/permitting the establishment.
  - 2) Available alternatives to unprotected direct hand contact; e.g., use of suitable utensils, FDA-approved sanitizing hand rinses, etc., shall be considered. If an alternative (e.g., use of a suitable utensil) can be implemented, this procedure/work station shall be removed from the list of routine direct hand contact points.
  - 3) Special focused education and training shall be provided to all food employees involved in the identified procedures, reinforcing the importance of proper hand washing for all employees with direct hand contact with ready-to-eat food. The content and duration of this focused education and training shall be determined by the food service operator.
- d) Each time there is a change in processing between raw beef, raw pork, raw

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

poultry or raw seafood, or a change in processing from raw to ready-to-eat foods, each new operation shall begin with food-contact surfaces and utensils which are clean and have been sanitized. Salads and other ready-to-eat foods should be prepared in separate rooms or in areas that are separated by a barrier or open space from areas used for processing potentially hazardous raw products.

- e) Potentially hazardous foods that are in a form to be consumed without further cooking such as salads, sandwiches, and filled pastry products should be prepared from chilled products.

**Section 760.180 Preparing Raw Fruits and Raw Vegetables**

Raw fruits and raw vegetables that will be cut or combined with other ingredients or will be otherwise processed into food products by the retail food store shall be thoroughly cleaned with potable water before being used.

**Section 760.190 Cooking Potentially Hazardous Foods**

- a) Raw animal foods such as eggs, fish, poultry, meat, and foods containing these raw animal foods, shall be cooked to heat all parts of the food to the following temperatures and times, except as specified in subsections (b) and (c) of this Section:
  - 1) 145°F (63°C) or above for 15 seconds for:
    - A) Shell eggs that are broken and prepared in response to a consumer's order and for immediate service, and
    - B) Fish and meat that are not specified in subsection (a)(2), (3) or (4) of this Section;
  - 2) For pork and game animals, comminuted fish and meats, injected meats, and eggs that are not prepared for immediate service, 155°F (68°C) for 15 seconds or the temperature specified in Section 760.195 that corresponds to the cooking time;
  - 3) As specified in Section 760.197 for roasts of beef and corned beef;

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

- 4) 165°F (74°C) or above for 15 seconds for field-dressed wild game animals, poultry, stuffed fish, stuffed meat, stuffed pasta, stuffed poultry, or stuffing containing fish, meat, or poultry; or
  - 5) Any alternative temperature and time that provides an equivalent heat lethality provided the alternative method is approved in advance by the Department and confirmed in writing. Requests for alternative cooking time and temperature methods shall be submitted in writing in a format prescribed by the Department. If the Department approves an alternative cooking method, it shall notify the requestor of its approval and inform local health departments of that approved alternative.
- b) Raw and undercooked animal foods that are served or offered for sale in a ready-to-eat form are exempt from the requirements of subsections (a)(1) through (5) of this Section, provided that the retail food store serving the food follows the consumer advisory requirements in Section 760.110(1). Examples of this type of food include raw marinated fish; raw molluscan shellfish; steak tartare; lightly cooked fish; rare meat; or soft cooked eggs.
- c) Beef roasts shall be cooked:
- 1) In an oven that is preheated to the temperature specified for their weight in Section 760.196 and that is held at or above temperature; and
  - 2) To a food temperature as specified in Section 760.197 and held for the corresponding amount of time specified in Section 760.197 for that temperature.

**Section 760.195 Minimum Food Temperature and Holding Time Required Under Section 760.190(a)(2) for Cooking All Parts of Pork and Game Animals, Comminuted Fish and Meats, and Injected Meats**

Minimum

Temperature

Time

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

°F (°C)	
145 (63)	3 minutes
150 (66)	1 minute

**Section 760.196 Oven Parameters Required for Destruction of Pathogens on the Surface of Roasts of Beef and Corned Beef**

Oven Type	Oven Temp(2)	
	Roast Weight	
	Less than or equal to 4.5 kg (10 lbs.)	Greater than 4.5 kg (10 lbs.)
Still Dry	350 °F (177 °C)	250°F (121°C)
Convection	325°F (163 °C)	325°F (163°C)
High Humidity (1)	< 250°F (121°C)	< 250°F (121°C)

- (1) Relative humidity greater than 90% for at least 1 hour as measured in the cooking chamber or exit of the oven or in a moisture-impermeable bag that provides 100% humidity
- (2) Refer to Section 760.197 for minimum holding time requirements

**Section 760.197 Minimum Holding Times Required at Specified Temperatures for Cooking All Parts of Roasts of Beef and Corned Beef**

Temp. (2)	Time (1)	Temp. (2)	Time (1)	Temp. (2)	Time (1)
°F (°C)		°F (°C)		°F (°C)	
130 (54)	121 minutes	136 (58)	32 minutes	142 (61)	8 minutes
132 (56)	77 minutes	138 (59)	19 minutes	144 (62)	5 minutes
143 (57)	47	140 (60)	12	145 (63)	3

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

minutes

minutes

minutes

- (1) Holding time may include postoven heat rise
- (2) Refer to Section 760.196 for oven temperature requirements

**Section 760.199 Microwave Cooking**

Raw animal foods cooked in a microwave oven shall be:

- a) Rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat;
- b) Covered to retain surface moisture;
- c) Heated an additional 25°F (14°C) above the temperature specified in Section 760.190(c)(1), (2) and (4) to compensate for shorter cooking times; and
- d) Allowed to stand covered for 2 minutes after cooking to obtain temperature equilibrium.

**Section 760.200 Bakery Product Fillings**

Custards, cream fillings, and similar products, including synthetic fillings, shall meet the temperature requirement in Section 760.150(c) of this Part following preparation and be maintained at that temperature during storage, transportation, and display. Products with synthetic fillings may be excluded from this requirement if:

- a) The food, including the interface between the bakery product and its filling, has a pH level of 4.6 or below or a water activity (aw) value of 0.85 or less under standard conditions; or
- b) It is handled in such a manner as to preclude contamination with and the growth of pathogenic microorganisms after heat processing; or
- c) Other scientific evidence is on file with the regulatory authority demonstrating that the specific product will not support the growth of pathogenic

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

microorganisms.

- d) Bakery products with synthetic fillings, which meet the above criteria, may be labeled to state that refrigeration is not required.

**Section 760.210 Reheating**

Potentially hazardous foods that have been cooked and then refrigerated shall be reheated rapidly to an internal temperature of 165F or higher before being placed in hot food storage holding units. Food warmers and other hot food holding units shall not be used for the reheating of potentially hazardous foods.

**Section 760.220 Food Product Thermometers**

Metal stem-type numerically scaled indicating thermometers, accurate to +2F shall be provided and used to assure attainment and maintenance of proper temperatures during preparation of all potentially hazardous foods.

**Section 760.230 Thawing Potentially Hazardous Foods**

Potentially hazardous foods shall be thawed:

- a) In refrigerated units at a temperature not to exceed 45°F, prior to July 1, 1996 and 41°F, effective July 1, 1996; or
- b) Under potable running water at a temperature of 70°F or below, with sufficient water velocity to agitate and float off loose food particles into the overflow and for a period not to exceed that reasonably required to thaw the food; or
- c) In a microwave oven only when the food will be immediately transferred to conventional cooking units as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven; or
- d) As part of the conventional cooking process.

**Section 760.240 Displaying Potentially Hazardous Foods**

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

Prior to July 1, 1996, potentially hazardous foods shall be held at an internal temperature of 45°F or below or at an internal temperature of 140°F or higher during display, except that rare roast beef which is offered for sale hot shall be held at a temperature of at least 130°F. Effective July 1, 1996, potentially hazardous foods shall be held during display at an internal temperature of 41°F or below, unless the foods are dated and refrigerated at 45°F for no more than three days as specified in Section 760.120, or held during display at an internal temperature of 140°F or higher, except that rare roast beef which is offered for sale hot shall be held at a temperature of at least 130°F.

**Section 760.250 Displaying Frozen Foods**

Foods intended for sale in a frozen state should be displayed at an air temperature of 0F or below, except for defrost cycles and brief periods of loading or unloading. Frozen foods should be displayed below or behind product food lines according to cabinet manufacturers' specifications.

**Section 760.260 Food Display**

Food on display, other than whole, unprocessed raw fruits and unprocessed raw vegetables, shall be protected from contamination by being packaged, by display cases, by covered containers for self-service, or by similar protective equipment. All food shall be displayed above the floor in a manner that will protect the food from contamination. Hot or cold food units shall be provided to assure the maintenance of potentially hazardous food at the required temperature during display. Potentially hazardous food shall not be provided for consumer self-service.

**Section 760.270 Dispensing Utensils**

To avoid unnecessary manual contact with the food, suitable dispensing utensils and single-service articles shall be used by employees. Consumers who serve themselves bulk food shall be provided suitable dispensing utensils. Dispensing utensils shall be:

- a) Stored in the food with the dispensing utensil handle extended out of the food; or
- b) Stored clean and dry; or
- c) Stored in running potable water.

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

**Section 760.280 Food Sample Demonstrations and Food Promotions**

When food sample demonstrations and food promotions are authorized in the retail food store, the person in charge shall ensure that such activities comply with the applicable sanitation provision of this Part.

**Section 760.290 General - Food Transportation by the Retail Food Store**

Food, other than hanging primal cuts, quarters, or sides of meat, and raw fruits and raw vegetables, shall be protected from contamination by use of packaging or covered containers while being transported. All food being transported shall meet the applicable requirements of this Part relating to food protection and food storage. Foods packaged in immediate closed containers do not need to be overwrapped or covered if the immediate closed containers have not been opened, torn, or broken.

SUBPART C: PERSONNEL

**Section 760.400 General - Employee Health**

- a) No person, while infected with a disease in a communicable form that can be transmitted by foods or who is a carrier of organisms that cause such a disease or while afflicted with a boil, an infected wound, or an acute respiratory infection, shall work in a retail food store in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to other persons.
- b) When the regulatory authority has reasonable cause to suspect possible disease transmission by an employee of a retail food store, it may secure a morbidity history of the suspected employee or make any other investigation as indicated and shall take appropriate action. The regulatory authority may require any or all of the following measures:
  - 1) The immediate exclusion of the employee from employment in retail food stores;
  - 2) The immediate closing of the retail food store concerned until, in the opinion of the regulatory authority, no further danger of disease outbreak

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

exists;

- 3) Restriction of the employee's services to some area of the store where there would be no danger of transmitting disease;
- 4) Adequate medical and laboratory examination of the employee and of other employees and of his and their body discharges.

**Section 760.410 General - Personal Cleanliness**

Employees shall thoroughly wash their hands and the exposed portions of their arms with soap and warm water before starting work, during work as often as is necessary to keep them clean, and after smoking, eating, drinking, or using the toilet. Employees shall keep their fingernails clean and trimmed.

**Section 760.420 General - Clothing**

- a) Employees shall wear clean outer clothing.
- b) Employees shall use effective hair restraints where necessary to prevent the contamination of food or food-contact surfaces.

**Section 760.430 General - Employee Practices**

- a) Employees shall consume food only in designated dining areas. An employee dining area shall not be so designated if consuming food there may result in contamination of other food, equipment, utensils, or other items needing protection.
- b) Employees shall not use tobacco in any form while engaged in food preparation or service, nor while in the areas used for equipment or utensil washing or for food preparation. Employees shall use tobacco only in designated areas. An employee tobacco-use area shall not be designated for that purpose if the use of tobacco there may result in contamination of food, equipment, utensils, or other items needing protection.
- c) Employees shall maintain a high degree of personal cleanliness and shall conform

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

to good hygienic practices during all working periods in the retail food store.

SUBPART D: EQUIPMENT AND UTENSILS

**Section 760.500 General - Materials**

Multi-use equipment and utensils shall be constructed and repaired with safe materials, including finishing materials; shall be corrosion resistant and shall be nonabsorbent; and shall be smooth, easily cleanable, and durable under conditions of normal use. Single-service articles shall be made from clean, sanitary, safe materials. Equipment, utensils, and single-service articles shall not impart odors, color, taste, nor contribute to the contamination of food.

**Section 760.510 Solder**

If solder is used, it shall be composed of safe materials and be corrosion resistant.

**Section 760.520 Wood**

Hard maple or equivalent nonabsorbent wood that meets the general requirements set forth in Section 760.500 of this Part may be used for cutting blocks, cutting boards, and bakers' tables. Wood shall not be used as a food-contact surface under other circumstances, except for contact with raw fruits, raw vegetables, and nuts in the shell.

**Section 760.530 Plastics and Rubber Materials**

Safe plastic or safe rubber or safe rubber-like materials that are resistant under normal conditions of use to scratching, scoring, decomposition, crazing, chipping, and distortion, that are of sufficient weight and thickness to permit cleaning and sanitizing by normal warewashing methods, and which meet the general requirements set forth in Section 760.500 of this Part, are permitted for repeated use.

**Section 760.540 Cutting Surfaces**

Cutting surfaces subject to scratching and scoring must be resurfaced so as to be easily cleaned, or be discarded when these surfaces can no longer be effectively cleaned and sanitized.

**Section 760.550 Single-Service Articles**

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

Single-service articles shall not be reused.

**Section 760.560 General - Design and Fabrication**

All equipment and utensils, including plastic-ware, shall be designed and fabricated for durability under conditions of normal use and shall be resistant to denting, buckling, pitting, chipping, and crazing.

- a) Food-contact surfaces shall be easily cleanable, smooth, and free of breaks, open seams, cracks, chips, pits, and similar imperfections, and free of difficult-to-clean internal corners and crevices. Cast iron may be used as a food-contact surface only if the surface is used for cooking. Threads shall be designed to facilitate cleaning; ordinary "V" type threads are prohibited in food-contact surfaces, except that in equipment such as ice makers, hot oil cooking equipment, or hot oil filtering systems, such threads shall be minimized.
- b) Equipment containing bearings and gears requiring lubricants not made of safe materials shall be designed and constructed so that the lubricant cannot leak, drip, or be forced into food or onto food-contact surfaces. Equipment designed to receive lubrication of bearings and gears on or within food-contact surfaces shall be lubricated with materials meeting the requirements of 21 CFR 178.3570.
- c) Sinks and drain boards shall be sloped to drain and be self-draining.

**Section 760.570 Accessibility**

Unless designed for in-place cleaning, food-contact surfaces shall be accessible for cleaning and inspection:

- a) Without being disassembled; or
- b) By disassembling without the use of tools; or
- c) By easy disassembling with the use of only simple tools, such as mallets, screwdrivers, or open-end wrenches which are kept near the equipment.

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

**Section 760.580 Cleaned In Place (CIP)**

Equipment designed and constructed for CIP shall meet requirements equivalent to those contained in Section 750.670 of the Food Service Sanitation Rules and Regulations 77 Ill. Adm. Code 750.

**Section 760.590 Food Product Thermometers**

Indicating thermometers required for immersion into food or cooking media shall be of metal stem-type construction, numerically scaled, and accurate to +2F.

**Section 760.600 Non-Food-Contact Surfaces**

Surfaces of equipment not intended for contact with food, but which are exposed to splash or food debris or which otherwise require frequent cleaning, shall be designed and fabricated to be smooth, washable, free of unnecessary ledges, projections, or crevices, and readily accessible for cleaning, and shall be of such material and in such repair as to be easily maintained in a clean and sanitary condition.

**Section 760.610 Ventilation Hoods**

Ventilation hoods and devices, where installed, shall be designed to prevent grease or condensation from collecting on walls and ceilings, and from dripping into food or onto food-contact surfaces. Filters or other grease extracting equipment shall be readily removable for cleaning and replacement, if not designed to be cleaned in place.

**Section 760.620 Maintenance of Equipment and Utensils**

All equipment and utensils shall be maintained in good repair to comply with requirements of this Part.

**Section 760.630 General - Equipment Installation and Location**

Equipment, including ice makers and ice storage equipment, shall not be located under exposed or unprotected sewer lines, water lines that are leaking or on which condensed water has accumulated, open stairwells, or other sources of contamination.

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

**Section 760.640 Table-Mounted Equipment**

- a) Table-mounted equipment shall be installed to facilitate the cleaning of the equipment and the adjacent areas.
- b) Equipment that is mounted on tables or counters, unless portable, shall be sealed to the table or counter or elevated on legs to provide at least a 4-inch clearance between the table or counter, except that if no part of the table under the equipment is more than 18 inches from cleaning access, the clearance space shall be three (3) inches or more; or if no part of the table under the equipment is more than three (3) inches from cleaning access, the clearance space shall be two (2) inches or more.
- c) Equipment is portable within the meaning of Section 760.640(b) above of this Part if:
  - 1) It is small and light enough to be moved easily by one person; or
  - 2) It has no utility connection, has a utility connection that disconnects quickly, or has a flexible utility connection line of sufficient length to permit the equipment to be moved for easy cleaning; or
  - 3) It is table-mounted, such as powered mixers, grinders, slicers, tenderizers, and similar equipment, and does not exceed 80 pounds or is equipped with a mechanical means of safely tilting the unit for cleaning.

**Section 760.650 Floor-Mounted Equipment**

- a) Floor-mounted equipment, unless easily moveable, shall be:
  - 1) Sealed to the floor; or
  - 2) Elevated on legs to provide at least a 6-inch clearance between the floor and equipment, except that equipment may be elevated to provide at least a 4-inch clearance between the floor and equipment if no part of the floor under the equipment is more than six (6) inches from cleaning access.

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

- 3) Display shelving units, display refrigeration units, and display freezer units are exempt from the provisions of Section 760.650(a)(1) and (2) above of this Part if they are installed so that the floor beneath the units can be cleaned.
- b) Equipment is easily movable if:
  - 1) It is mounted on wheels or casters; and
  - 2) It has no utility connection, has a utility connection that disconnects quickly, or has a flexible utility line of sufficient length to permit the equipment to be moved for easy cleaning.
- c) Unless sufficient space is provided for easy cleaning between, behind, and above each unit of fixed equipment, the space between it and adjoining equipment units and adjacent walls or ceilings shall be not more than 1/32 inch and, if exposed to seepage, the space shall be sealed.

**Section 760.660 Aisles and Working Spaces**

Aisles and working spaces between units of equipment and between equipment and walls, shall be unobstructed and of sufficient width to permit employees to perform their duties readily without contamination of food or food-contact surfaces by clothing or personal contact. All easily movable storage equipment such as dollies, skids, racks, and open-ended pallets shall be positioned to provide accessibility to working areas.

SUBPART E: CLEANING, SANITIZATION,  
AND STORAGE OF EQUIPMENT AND UTENSILS

**Section 760.700 Cleaning Frequency**

- a) Utensils and food-contact surfaces of equipment shall be cleaned and sanitized
  - 1) Each time there is a change in processing between raw beef, raw pork, raw poultry or raw seafood, or a change in processing from raw to ready-to-eat foods;

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

- 2) After any interruption of operations during which time contamination may have occurred; and
- 3) After final use each working day.
- b) Where equipment and utensils are used for the preparation of potentially hazardous foods on a continuous or production-line basis, utensils and the food-contact surfaces of equipment shall be cleaned and sanitized at intervals throughout the day on a schedule based on food temperature, type of food, and amount of food particle accumulation.
- c) The food-contact surfaces of cooking devices and the cavities and door seals of microwave ovens shall be cleaned at least once each day of use, except that this shall not apply to hot oil cooking equipment and hot oil filtering systems. The food-contact surfaces of all baking equipment and pans shall be kept free of encrusted grease deposits and other accumulated soil.
- d) Non-food-contact surfaces of equipment, including transport vehicles, shall be cleaned as often as is necessary to keep the equipment free of accumulation of dust, dirt, food particles, and other debris.

**Section 760.710 Wiping Cloths**

- a) Cloths or sponges used for wiping food spills on food-contact surfaces of equipment shall be clean and rinsed frequently in one of the sanitizing solutions permitted in Section 760.720(h) of this Part and used for no other purpose. These cloths and sponges shall be stored in the sanitizing solution between uses.
- b) Cloths or sponges used for cleaning non-food-contact surfaces of equipment shall be clean and rinsed as specified in Section 760.710(a) above of this Part and used for no other purpose. These cloths and sponges shall be stored in the sanitizing solution between uses.
- c) Single-service disposable towels are permitted in lieu of wiping cloths or sponges if they are discarded after each use.

**Section 760.720 Manual Cleaning and Sanitizing**

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

- a) For manual cleaning and sanitizing of equipment and utensils, a sink with three compartments shall be provided and used. Sink compartments shall be large enough to accommodate the immersion of most equipment and utensils, and each compartment of the sink shall be supplied with hot and cold potable running water. Where immersion in sinks is impracticable (e.g., because equipment is too large), equipment and utensils shall be cleaned and sanitized manually or by pressure spray methods.
- b) Drain boards or easily moveable utensil tables of adequate size shall be provided for proper storage and handling of soiled utensils prior to cleaning and for cleaned utensils following sanitizing and shall be located so as not to interfere with proper use of the warewashing facilities.
- c) Equipment and utensils shall be preflushed or prescraped and, when necessary, presoaked to remove food particles and soil.
- d) The sinks shall be cleaned before use.
- e) When a three-compartment sink is utilized for warewashing, the operation shall be conducted in the following sequence:
  - 1) Equipment and utensils shall be thoroughly cleaned in the first compartment with a hot detergent solution that is kept clean and at a concentration indicated on the manufacturer's label; and
  - 2) Equipment and utensils shall be rinsed free of detergent and abrasives with clean water in the second compartment; and
  - 3) Equipment and utensils shall be sanitized in the third compartment according to one of the methods included in Section 760.720(h) (Items 1 thru 5) of this Part.
- f) When an existing two-compartment sink is utilized for warewashing, one of the following two methods shall be used:
  - 1) Equipment and utensils shall be thoroughly cleaned in the first compartment with a hot detergent solution that is kept clean and at a

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

concentration indicated on the manufacturer's label; and shall be sanitized in hot water in the second compartment in accordance with Section 760.720(h)(1) of this Part; or

- 2) Equipment and utensils shall be thoroughly cleaned in the first compartment with a hot detergent-sanitizer solution that is kept clean and at a concentration indicated on the manufacturer's label; and shall be sanitized in the second compartment in hot water in accordance with Section 760.720(h)(1) of this Part, or with a solution containing that same detergent-sanitizer in accordance with Section 760.720(h) (Items 2-5) of this Part.
- g) When pressure spray methods are utilized for cleaning and sanitizing, the equipment and utensils shall be thoroughly flushed with a detergent-sanitizer solution until the article is free of visible food particles and soil. The detergent-sanitizer shall be used in accordance with the manufacturer's instructions and shall be of the type that does not require a potable water rinse when used according to those instructions.
- h) The food-contact surfaces of all equipment and utensils shall be sanitized by:
  - 1) Immersion for at least 1/2 minute in clean, hot water of a temperature of at least 170F; or
  - 2) Immersion for at least 1 minute in a clean solution containing at least 50 parts per million of available chlorine as a hypochlorite and having a temperature of at least 75F; or
  - 3) Immersion for at least 1 minute in a clean solution containing at least 12.5 parts per million of available iodine, having a pH range which the manufacturer has demonstrated to be effective and at a temperature of at least 75F; or
  - 4) Immersion for at least 1 minute in a clean solution containing 200 parts per million of a quaternary ammonium compound and having a temperature of at least 75F. The quaternary ammonium compound used shall have been compounded by the manufacturer to assure effectiveness

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

in waters up to 500 parts per million hardness at use concentration; or

- 5) Immersion in a clean solution containing any other chemical sanitizing agent allowed under 21 CFR 178.1010 that will provide the equivalent bactericidal effect of a solution containing at least 50 parts per million of available chlorine as a hypochlorite at a temperature of at least 75F for 1 minute; or
  - 6) Treatment with steam free from materials or additives other than those specified in 21 CFR 173.310 in the case of equipment too large to sanitize by immersion, but in which steam can be confined; or
  - 7) Rinsing, spraying, or swabbing with a chemical sanitizing solution of at least twice the strength required for that particular sanitizing solution under Section 760.720(h)(2), (3) and (5) of this Part in the case of equipment too large to sanitize by immersion.
- i) When hot water is used for sanitizing, the following equipment shall be provided and used:
    - 1) An integral heating device or fixture installed in, on or under the sanitizing compartment of the sink capable of maintaining the water at a temperature of at least 170F; and
    - 2) A numerically scaled indicating thermometer, accurate to +3F convenient to the sink for frequent checks of water temperature; and
    - 3) Utensil racks or baskets of such size and design to permit complete immersion of utensils and equipment in the hot water.
  - j) When chemicals are used for sanitization, they shall not have concentrations higher than the maximum permitted under 21 CFR 178.1010 and a test kit or other device that measures the parts per million concentration of the solution shall be provided and used.

**Section 760.730 Mechanical Cleaning and Sanitizing**

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

Mechanical cleaning and sanitizing equipment and practices shall conform to the provisions contained in Section 750.830 of the Food Service Sanitation Rules and Regulations 77 Ill. Adm. Code 750.

**Section 760.740 Drying**

Unless used immediately after sanitization, all equipment and utensils shall be air dried. Towel drying shall not be permitted.

**Section 760.750 Retail Food Stores Without Equipment and Utensil Cleaning Facilities**

Retail food stores that do not have facilities for proper cleaning and sanitizing of utensils and equipment shall not prepare or package food or dispense unpackaged food other than raw fruits and raw vegetables.

**Section 760.760 Equipment and Utensil Handling**

Cleaned and sanitized equipment and utensils shall be handled in a way that protects them from contamination.

**Section 760.770 Equipment and Utensil Storage**

- a) Cleaned and sanitized utensils and equipment shall be stored at least six (6) inches above the floor in a clean, dry location in a way that protects them from splash, dust, and other means of contamination. The food-contact surfaces of fixed equipment shall also be protected from contamination. Equipment and utensils shall not be placed under exposed or unprotected sewer lines, or water lines that are leaking or on which condensed water has accumulated.
- b) Utensils shall be air dried before being stored or shall be stored in a self-draining position.
- c) Stored utensils shall be covered or inverted wherever practical.

**Section 760.780 Single-Service Articles Handling and Storage**

- a) Single-service articles shall be stored in closed cartons or containers at least six

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

(6) inches above the floor or on easily movable dollies, skids, racks, or open-ended pallets. Such storage shall protect the articles from contamination and shall not be located under exposed or unprotected sewer lines, or water lines that are leaking or on which condensed water has accumulated.

- b) Single-service articles shall be handled in a manner that prevents contamination of surfaces that may come in contact with food.

**Section 760.790 Prohibited Storage Areas**

Food equipment, utensils, or single-service articles shall not be stored in locker rooms, toilet rooms or their vestibules, garbage rooms, or mechanical rooms.

SUBPART F: SANITARY FACILITIES  
AND CONTROLS

**Section 760.900 General - Water Supply**

Sufficient potable water for the needs of the retail food store shall be provided from a source constructed, maintained, and operated according to the Drinking Water Code (77 Ill. Adm. Code 900).

**Section 760.910 Water Delivery**

All potable water not provided to the retail food store directly from the source by pipe shall be delivered in a bulk water transport system and shall be transferred to a closed water system. Both of these systems shall be constructed, maintained, and operated according to law.

**Section 760.920 Water Under Pressure**

Water under pressure at the required temperatures shall be provided to all fixtures and equipment that use water.

**Section 760.930 Steam**

Steam used in contact with food or food-contact surfaces shall be free from any materials or additives other than those specified in 21 CFR 173.310.

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

**Section 760.940 General - Sewage**

All sewage, including liquid waste, shall be disposed of by a public sewerage system or by a sewage disposal system constructed, maintained, and operated according to law. Nonwater carried sewage disposal facilities are prohibited, except for pick up by licensed scavengers or for burial in a land fill.

**Section 760.950 General - Plumbing**

Plumbing shall be sized, installed, and maintained according to law. There shall be no cross-connection between the potable water supply and any other system containing:

- a) Water of unknown or questionable origin, or
- b) Contaminating or polluting substances.

**Section 760.960 Nonpotable Water System**

A nonpotable water system is permitted for air conditioning, equipment cooling, and fire protection, and shall be installed according to law. Nonpotable water shall not directly or indirectly contact food or equipment or utensils that contact food. The piping of any nonpotable water system shall be durably identified so that it is readily distinguishable from piping that carries potable water.

**Section 760.970 Backflow**

The potable water system shall be installed to preclude the possibility of backflow. Devices shall be installed to protect against backflow and backsiphonage at all fixtures and equipment where an air gap at least twice the diameter of the water system inlet is not provided between the water supply inlet and the fixture's flood level rim. No hose shall be attached to a faucet that is not equipped with a backflow prevention device.

**Section 760.980 Grease Traps**

Grease traps, if used, shall be located to be easily accessible for cleaning.

**Section 760.990 Garbage Grinders**

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

Garbage grinders, if used, shall be installed and maintained according to law.

**Section 760.1000 Drains**

- a) Commercial dishwashing machines, dishwashing sinks, pot washing sinks, pre-rinse sinks, vegetable sinks, potato peelers, ice machines, steam tables, steam cookers, and other similar fixtures shall be indirectly connected in compliance with 77 Ill. Adm. Code 890.1410(a). The only exception shall be when such fixtures are located adjacent to a floor drain, the waste may be directly connected on the sewer side of the floor drain trap provided the fixture waste is trapped and vented as required by the Illinois Plumbing Code (77 Ill. Adm. Code 890) and the floor drain is located within four feet horizontally of the fixture and in the same room. The indirect piping from the fixture to the air gap shall not exceed five (5) feet developed length. All indirectly connected fixtures shall discharge to a vented trap located in the same room in compliance with 77 Ill. Adm. Code 890.1410(a). In the case of direct connection no other fixture waste shall be connected between the floor drain trap and the fixture protected.
- b) Drain lines from equipment shall not discharge waste water in such a manner as will permit the flooding of floors or the flowing of water across working or walking areas or into difficult-to-clean areas, or otherwise create a nuisance in compliance with 77 Ill. Adm. Code 750.1100(b).

**Section 760.1010 Toilet Installation**

Toilet facilities shall be installed according to law, shall be at least one and not less than the number required by law, shall be conveniently located, and shall be accessible to employees at all times.

**Section 760.1020 Toilet Design**

Toilets and urinals shall be designed to be easily cleanable.

**Section 760.1030 Toilet Rooms**

Toilet rooms shall be completely enclosed and shall have tight-fitting, self-closing solid doors, except for louvers that may be necessary for ventilation systems.

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

**Section 760.1040 Toilet Facility Maintenance**

Toilet facilities, including toilet fixtures and any related vestibules, shall be kept clean and in good repair. A supply of toilet tissue shall be provided at each toilet at all times. Easily cleanable receptacles shall be provided for waste materials. Toilet rooms used by women shall have at least one covered waste receptacle.

**Section 760.1050 Handwashing Facility Installation**

Handwashing facilities shall be installed according to law, shall be at least one and not less than the number required by law, and shall be conveniently located to permit use by all employees in food preparation and warewashing areas. Handwashing facilities shall be accessible to employees at all times. Handwashing facilities shall also be located in or immediately adjacent to toilet rooms or their vestibules. Sinks used for food preparation or for warewashing shall not be used for washing of hands or for any other purpose.

**Section 760.1060 Handwashing Facility Faucets**

Each handwashing facility shall be provided with hot and cold water tempered by means of a mixing valve or combination faucet. Any self-closing, slow-closing, or metering faucet used shall be designed to provide a flow of water for at least 15 seconds without the need to reactivate the faucet. Steam mixing valves are prohibited at handwashing facilities.

**Section 760.1070 Handwashing Supplies**

A supply of hand-cleansing soap or detergent shall be available at each handwashing facility. A supply of sanitary towels or a hand-drying device providing heated air shall be conveniently located near each handwashing facility. Common towels are prohibited. If disposable towels are used, easily cleanable waste receptacles shall be conveniently located near the handwashing facilities.

**Section 760.1080 Handwashing Facility Maintenance**

Handwashing facilities, soap or detergent dispensers, hand-drying devices, and all related facilities shall be kept clean and in good repair.

**Section 760.1090 Garbage and Refuse Containers**

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

- a) Garbage and refuse shall be held in durable, easily cleanable, insect-resistant, and rodent-resistant containers that do not leak and do not absorb liquids. Plastic bags and wet strength paper bags may be used to line these containers. Such bags and durable plastic garbage and refuse containers may be used for storage inside the retail food store.
- b) Containers used in food preparation and utensil washing areas shall be kept covered during nonworking hours and after they are filled.
- c) Containers stored outside the establishment, including dumpsters, compactors, and compactor systems, shall be easily cleanable, shall be provided with tight-fitting lids, doors, or covers, and shall be kept covered when not in actual use. In containers designed with drains, drain plugs shall be in place at all times, except during cleaning.
- d) There shall be a sufficient number of containers to hold all the garbage and refuse that accumulates.
- e) Soiled containers shall be cleaned at a frequency to prevent insect and rodent attraction. Each container shall be thoroughly cleaned on the inside and outside in a way that does not contaminate food, equipment, utensils, or food preparation areas. Suitable facilities, detergent, and hot water or steam, shall be provided and used for cleaning containers. Liquid waste from compacting or cleaning operations shall be disposed of as sewage.

**Section 760.1100 Garbage and Refuse Container Storage**

- a) Garbage and refuse on the premises shall be stored in a manner to make them inaccessible to insects and rodents. Outside storage of non-rodent-resistant plastic containers, unprotected plastic bags, wet strength paper bags, or baled units which contain garbage or refuse is prohibited. Cardboard or other packaging material not containing garbage or food wastes need not be stored in covered containers.
- b) Garbage or refuse storage rooms, if used, shall be constructed of easily cleanable, nonabsorbent, washable materials, shall be kept clean, shall be insect and rodent resistant, and shall be large enough to store all the garbage and refuse containers

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

necessitated by disposal pick-up frequency.

- c) Outside storage areas or enclosures, if used, shall be kept clean and shall be large enough to store all the garbage and refuse containers necessitated by disposal pick-up frequency. Garbage and refuse containers, dumpsters, and compactor systems located outside, shall be stored on or above a smooth surface of nonabsorbent material, such as concrete or machine-laid asphalt, that is kept clean and maintained in good repair.

**Section 760.1110 Garbage and Refuse Disposal**

- a) Garbage and refuse shall be disposed of often enough to prevent the development of objectionable odors and the attraction of insects and rodents.
- b) Where garbage or refuse is burned on the premises, it shall be done by controlled incineration in accordance with law. Areas around incineration units shall be kept clean and orderly.

**Section 760.1120 General - Insect and Rodent Control**

Effective measures shall be utilized to minimize the entry, presence, and propagation of rodents, flies, cockroaches, or other insects. The premises shall be maintained in a condition that prevents the harborage or feeding of insects or rodents.

**Section 760.1130 Openings to be Protected Against Entry of Rodents and Insects**

Openings to the outside shall be effectively protected against the entry of rodents. Outside openings shall be protected against the entry of insects by tight-fitting, self-closing doors; closed windows; screening; controlled air currents; or other means. Screen doors shall be self-closing, and screens for windows, skylights, transoms, intake and exhaust air ducts, and other openings to the outside shall be tight-fitting and free of breaks. Screening material shall be not less than 16 mesh to the inch.

SUBPART G: CONSTRUCTION AND  
MAINTENANCE OF PHYSICAL FACILITIES

**Section 760.1200 Floor Construction**

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

- a) Except as specified in Section 760.1210 of this Part, floors and floor coverings of all food preparation, food storage, and warewashing areas, and the floors of all walk-in refrigerators, dressing rooms, locker rooms, toilet rooms and vestibules, shall be constructed of smooth durable material such as sealed concrete, terrazzo, quarry tile, ceramic tile, durable grades of vinyl asbestos or plastic tile, or tight-fitting wood impregnated with plastic, and shall be maintained in good repair. Nothing in this section shall prohibit the use of anti-slip floor covering in areas where necessary for safety reasons.
- b) Floors which are water flushed or which receive discharges of water or other fluid wastes or are in areas where pressure spray methods for cleaning are used, shall be provided with properly installed trapped drains. Such floors shall be constructed only of sealed concrete, terrazzo, quarry tile, ceramic tile, or similar materials and shall be graded to drain.
- c) In all establishments utilizing concrete, terrazzo, quarry tile, ceramic tile, or similar flooring materials, or where water flush cleaning methods are used, the junctures between walls and floors shall be coved and sealed. In all other cases, the juncture between walls and floors shall be coved so as not to present an open seam of more than 1/32 inch.

**Section 760.1210 Floor Carpeting**

Carpeting, if used as a floor covering, shall be of closely woven construction, properly installed, easily cleanable, and maintained in good repair. Carpeting shall not be used in food preparation and warewashing areas, in food storage areas, or in toilet room areas where urinals or fixtures are located.

**Section 760.1220 Prohibited Floor Covering**

Sawdust, wood shavings, granular salt, baked clay, diatomaceous earth, or similar materials shall not be used as floor coverings; however, these materials may be used in amounts necessary for immediate spot clean-up of spills or drippage on floors.

**Section 760.1230 Mats and Duckboards**

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

Mats and duckboards shall be of nonabsorbent, grease resistant materials, and of such size, design, and construction to facilitate cleaning and shall be maintained in good repair.

**Section 760.1240 Utility Line Installation**

Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the floor. In all new or extensively remodeled establishments, installation of exposed horizontal utility service lines and pipes on the floor is prohibited.

**Section 760.1250 Wall and Ceiling Maintenance**

Walls and ceilings, including doors, windows, skylights, and similar closures, shall be maintained in good repair.

**Section 760.1260 Wall and Ceiling Construction**

The walls, wall coverings, and ceilings of walk-in refrigeration units, food preparation areas, warewashing areas, and toilet rooms and their vestibules shall be smooth, nonabsorbent, and easily cleanable. Concrete or pumice blocks and bricks used for interior wall construction in these locations shall be finished and sealed to provide a smooth easily cleanable surface.

**Section 760.1270 Exposed Construction of Walls and Ceilings**

Studs, joists, and rafters shall not be exposed in those areas listed in Section 760.1260 of this Part. If exposed in other rooms or areas, they shall be finished to provide a cleanable surface.

**Section 760.1280 Utility Line Installation in or on Walls and Ceilings**

Utility service lines and pipes shall not be unnecessarily exposed on walls or ceilings in those areas listed in Section 760,1260 of this Part. Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the walls and ceilings.

**Section 760.1290 Attachments to Walls and/or Ceilings**

Light fixtures, vent covers, wall mounted fans, decorative materials, and similar attachments to walls and ceilings shall be easily cleanable and shall be maintained in good repair.

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

**Section 760.1300 Wall and Ceiling Covering Material Installation**

Wall and ceiling covering materials shall be attached and sealed in a manner to be easily cleanable.

**Section 760.1310 General - Cleaning Physical Facilities**

Cleaning of floors, walls, and ceilings shall be done as often as necessary, but preferably during periods when the least amount of food is exposed, such as after closing. Only dustless methods of cleaning floors, walls, and ceilings shall be used, such as vacuum cleaning, wet cleaning, treated dust mops, or the use of dust-arresting sweeping compounds with brooms. Floors, mats, duckboards, walls, ceilings, and attachments (e.g., light fixtures, vent covers, wall mounted fans, and similar equipment), and decorative materials (e.g., signs and advertising materials) shall be kept clean.

**Section 760.1320 Service Sinks for Cleaning**

At least one (1) service sink or curbed cleaning facility with a floor drain shall be provided and used for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water or similar liquid wastes. Handwashing or warewashing facilities, or food preparation sinks shall not be used for this purpose.

**Section 760.1330 General - Lighting**

- a) Permanently fixed artificial light sources shall be installed to provide at least 20 foot candles of light on all food preparation surfaces and at warewashing work levels.
- b) Permanently fixed artificial light sources shall be installed to provide, at a distance of 30 inches from the floor:
  - 1) At least 20 foot candles of light in sales areas, utensil and equipment storage areas, and in handwashing and toilet areas; and
  - 2) At least 10 foot candles of light in walk-in refrigeration units, dry food storage areas, and in all other areas.

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

**Section 760.1340 Protective Light Shielding**

- a) Lamps located over or within areas where open foods are stored, prepared or displayed, and facilities where utensils and equipment are cleaned and stored shall be shielded, coated or otherwise shatter resistant.
- b) Infrared or other heat lamps shall be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.

**Section 760.1350 General - Ventilation**

All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes. Ventilation systems shall be installed and operated according to law and, when vented to the outside, shall not create a harmful or unlawful discharge. Intake and exhaust air ducts shall be maintained to prevent the entrance of dust, dirt, and other contaminating materials.

**Section 760.1360 Dressing Rooms and Areas**

If employees routinely change clothes within the establishment, rooms or areas shall be designated and used for that purpose. These designated rooms or areas shall not be used for food preparation, food storage, food display, warewashing, or storage of utensils and equipment.

**Section 760.1370 Locker Areas**

Lockers or other suitable facilities shall be provided and used for the orderly storage of employee clothing and other belongings. Lockers or other suitable facilities may only be located in the designated dressing rooms or areas or, in food storage rooms or areas containing only completely packaged food or packaged single-service articles.

**Section 760.1380 Poisonous or Toxic Materials Permitted**

Only those poisonous or toxic materials necessary and intended for the maintenance of the establishment, including the cleaning and sanitization of equipment and utensils, and the control of insects and rodents, shall be present in retail food stores, except those items being stored or displayed for retail sale as described in Section 760.1420 of this Part.

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

**Section 760.1390 Labeling of Poisonous or Toxic Materials**

Containers of poisonous or toxic materials necessary for operational maintenance of the establishment shall be prominently and distinctly labeled in accordance with law. Small working containers of bulk cleaning agents shall be individually labeled for easy identification of contents.

**Section 760.1400 Storage of Poisonous or Toxic Materials**

- a) Poisonous or toxic materials necessary for the maintenance of the establishment consist of the following two categories:
  - 1) Insecticides and rodenticides;
  - 2) Detergents, sanitizers, related cleaning or drying agents, and caustics, acids, polishes, and other chemicals.
- b) Materials in each of these two categories shall be stored and located to be physically separated from each other; shall be stored in cabinets or in similar physically separated compartments or facilities used for no other purpose; and, to preclude potential contamination, shall not be stored above or intermingled with food, food equipment, utensils, or single-service articles, except that this latter requirement does not prohibit the convenient availability of detergent sanitizers, or sanitizers at warewashing facilities.

**Section 760.1410 Use of Poisonous or Toxic Materials**

- a) Sanitizers, cleaning compounds, or other compounds intended for use on food-contact surfaces shall not be used in a way that leaves a toxic residue on such surfaces, nor in a way that constitutes a hazard to employees or other persons.
- b) Poisonous or toxic materials shall not be used in a way that contaminates food, equipment, or utensils, nor in a way other than in full compliance with the manufacturer's labeling.

**Section 760.1420 Storage and Display of Poisonous or Toxic Materials for Retail Sale**

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

Poisonous or toxic materials stored or displayed for retail sale shall be separated from food and single-service articles by spacing, partitioning, or dividers. These materials shall not be stored or displayed above food or single-service articles.

**Section 760.1430 First-Aid Supplies and Personal Medications**

Retail food store employee first-aid supplies and personal medications shall be stored in a way that prevents them from contaminating food and food-contact surfaces.

**Section 760.1440 General - Premises**

- a) Retail food stores and all parts of the property used in connection with operations of the establishment shall be reasonably free of litter and articles not essential to the operation or maintenance of the establishment.
- b) The walking and driving surfaces of all exterior areas of retail food stores shall be surfaced with concrete, asphalt, or with gravel or similar material effectively treated to facilitate maintenance and minimize dust. These surfaces shall be graded to facilitate drainage.

**Section 760.1450 Living Areas**

No operation of a retail food store shall be conducted in any room used as living or sleeping quarters. Retail food store operations shall be separated from any living or sleeping quarters by complete partitioning and solid, self-closing doors.

**Section 760.1460 Laundry Facilities**

- a) If provided, laundry facilities in a retail food store shall be restricted to the washing and drying of linens and work clothes used in the operation. If such items are laundered on the premises, an electric or gas dryer shall be provided and used.
- b) Separate rooms shall be provided for laundry facilities, except that such operations may be conducted in storage rooms containing only packaged foods or packaged single-service articles.

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

**Section 760.1470 Linens and Work Clothes Storage**

- a) Clean work clothes and linens, including articles such as wiping cloths, shall be stored in a clean place and protected from contamination until used.
- b) Soiled work clothes and linens, including articles such as wiping cloths, shall be kept in nonabsorbent containers or washable laundry bags until removed for laundering and shall be stored to prevent contamination of food, food equipment and utensils.

**Section 760.1480 Cleaning Equipment Storage**

Maintenance and cleaning tools such as brooms, mops, vacuum cleaners, and similar equipment shall be maintained in good repair and stored in a way that does not contaminate food, utensils, equipment, or linens and shall be stored in an orderly manner to facilitate the cleaning of that storage location.

**Section 760.1490 Animals**

- a) Live animals shall be excluded from within the retail food store operational areas and from immediately adjacent areas inside the store under the control of the permit holder. This exclusion does not apply to edible fish, crustacea, shellfish, or fish in aquariums.
- b) Live or dead fish bait shall be stored separately from food or food products.
- c) Patrol dogs accompanying security or police officers shall be permitted in offices, storage areas and outside store premises. Sentry dogs may be permitted to run loose in outside fenced areas for security reasons. Support animals, e.g. animals such as canines and primates trained to assist handicapped persons, accompanying such persons shall be permitted in sales areas.
- d) While on duty, persons employed in the food operational areas of an establishment shall not care for or handle any pets, or patrol/sentry dogs.

SUBPART H: NEW FACILITIES AND  
EXISTING EQUIPMENT AND FACILITIES

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

**Section 760.1600 New Facilities**

New building facilities and new equipment for which contractual obligations are incurred before the effective date of this Part, and which do not fully meet all the design and fabrication requirements of this Part, shall be acceptable if they are capable of being maintained in a sanitary condition and the food-contact surfaces (if any) are in compliance with the definition of "Safe Materials" in Section 760.20 of this Part.

**Section 760.1610 Existing Equipment and Facilities**

Building facilities and equipment in use before the effective date of this Part and which do not meet fully all of the design and fabrication requirements of this Part, shall be acceptable if they are in good repair; capable of being maintained in a sanitary condition, and the food-contact surfaces (if any) are in compliance with the definition of "Safe Materials" in Section 760.20 of this Part.

SUBPART I: TEMPORARY RETAIL FOOD STORES

**Section 760.1700 General - Temporary Retail Food Stores**

A temporary retail food store shall comply with the requirements of this Part, except as otherwise provided in this Subpart.

**Section 760.1710 Restricted Operations**

- a) This section is applicable whenever a temporary retail food store is permitted, under the provisions of Section 760.1700 to operate without complying with all the requirements of this Part.
- b) All foods sold or handled by a temporary retail food store shall meet the requirements of this Part for preparation, packaging, display, service, storage and transportation. Food shall be dispensed in the unopened container in which it was packaged.

**Section 760.1720 Wet Storage**

The storage of packaged food in contact with water or undrained ice is permitted only if it is

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

determined that no unsanitary condition would exist.

**Section 760.1730 Waste Disposal**

All sewage, including liquid waste, shall be disposed of pursuant to the Illinois Department of Public Health's "Private Sewage Disposal Code".

**Section 760.1740 Handwashing**

A facility shall be provided for employee handwashing. Where water under pressure is unavailable, such facility shall consist of at least a pan, warm water, soap and individual paper towels.

**Section 760.1750 Floors**

Floors shall be made of concrete, tight wood, asphalt, or other similar cleanable material, except that dirt or gravel floors may be used if graded to preclude the accumulation of liquids and covered with removable, cleanable platforms or duckboards.

**Section 760.1760 Ceilings**

Ceilings shall be made of wood, canvas or other material that protects the interior of the establishment from the weather and/or overhead contamination.

SUBPART J: REDUCED OXYGEN PACKAGING

**Section 760.2000 General**

Reduced oxygen packaging of food products in retail food establishments shall comply with the requirements of this Part.

**Section 760.2010 Acceptable Products**

A list of products approved by the regulatory authority for reduced oxygen packaging shall be posted in the processing area along with a warning against packaging unapproved foods.

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

**Section 760.2020 Employee Training**

Retail employees assigned to process foods in reduced oxygen packages must be familiar with these rules and the potential hazards associated with reduced oxygen packaged foods. A description of the training and course content provided to the retail employees must be available for review by the regulatory authority.

**Section 760.2030 Refrigeration Requirements**

Prior to July 1, 1996, all retail processed foods in reduced oxygen packages must be refrigerated at 45 ~F or below or kept frozen at 0 ~F or below. Effective July 1, 1996, all retail processed foods in reduced oxygen packages shall be refrigerated at 41~F or below, at all times, except as otherwise provided in this Part. Refrigeration units unable to maintain a product temperature of 41~F may continue to be used until January 1, 2006, provided the product temperature is maintained at 45~F or less at all times and all potentially hazardous foods prepared on-site or opened containers/packages of commercially processed food products are dated and refrigerated for no longer than three days after preparation or opening, respectively.

**Section 760.2031 Labeling - Refrigeration Statements**

All retail packaged foods in a reduced oxygen atmosphere shall bear a statement "Important - Must Be Kept Refrigerated" or "Important - Must Be Kept Frozen" in addition to other required information. This statement must appear on the principal display panel in bold type on a contrasting background using this format.

Important  
Must Be Kept  
Refrigerated

Important  
Must Be Kept  
Frozen

**Section 760.2032 Labeling - "Use By" Dates**

Each package of refrigerated retail processed food in a reduced oxygen atmosphere shall bear a "use by" date. This date cannot exceed 14 days from retail processing. Also, the date assigned by the retailer shall not go beyond the manufacturer's recommended "pull date" for the food. The "use by" date must be listed on the principal display panel in bold type on a contrasting background. Foods that remain frozen before, during, and after processing are exempt from this

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

requirement.

**Section 760.2040 Safety Barriers**

Prior to July 1, 1996, refrigeration at 45 °F is required as the primary safety barrier. Effective July 1, 1996, all retail processed foods in reduced oxygen packages shall be refrigerated at 41°F or below, at all times, except as otherwise provided in Section 760.2030. Only refrigerated foods that possess one or more of the following secondary safety barriers can be packaged in a reduced oxygen atmosphere at retail:

- a) Foods with a water activity (a[w]) below .93, or
- b) Foods with an acidity (pH) of less than 4.6, or
- c) Foods with high levels of non-pathogenic competing organisms that prohibit the growth of pathogenic bacteria, or
- d) Meat or poultry products processed under U.S.D.A. or Illinois Department of Agriculture supervision with a nitrite level of at least 120 PPM and a minimum brine concentration of 3.5%, or
- e) Frozen foods provided the product is maintained in a frozen state before, during and after packaging.

**Section 760.2041 Fish and Fishery Products**

Raw or processed fish and fishery products may not be packaged at retail in a reduced oxygen atmosphere unless held frozen before, during and after packaging.

**Section 760.2042 Safety Barrier Verification**

The safety barrier requirement must be verified in writing for all foods processed in a reduced oxygen atmosphere at retail. This can be accomplished via written certification from the product manufacturer or through independent laboratory analysis of the incoming product using the official method of analysis.

- a) Any changes in product formulation or processing procedures that impacts on the

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

safety barrier requires recertification of the product.

- b) All barrier certifications must be updated every twelve months or immediately in the event of a change in product ingredients, process or barriers.
- c) A record of all safety barrier verifications must be maintained and available at the processing site for regulatory review to determine compliance with the criteria specified in Section 760.2040.
- d) Meat and poultry products, cured under U.S.D.A. inspection or a state program equal to U.S.D.A., with a nitrite level of at least 120 PPM and a brine concentration of at least 3.5% are exempt from the safety barrier verification requirements.

**Section 760.2050 Hazard Analysis Critical Control Point (HACCP) Program**

All retail food establishments processing food in a reduced oxygen atmosphere must develop a HACCP Program and maintain a copy of this program at the processing site for review by the appropriate regulatory authority. This HACCP Program shall include:

- a) A complete description of the processing, packaging and storage procedure. The program must also identify the critical control points in the procedure with a description of how these will be monitored and controlled and provide barrier certifications for all foods;
- b) A list of the equipment and food-contact packaging supplies used;
- c) A description of the lot identification system;
- d) A description of the employee training program;
- e) If gases are used, identification of the gases as being of food grade quality and a list by proportion of gas(es) used in the packaging;
- f) A description of the procedure along with the frequency for cleaning and sanitizing the involved food-contact surfaces in the processing area; and

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

- g) A description of action to be taken if there is a deviation from the process approved by the regulatory agency.

**Section 760.2060 Precautions Against Contamination**

Only unopened packages of commercially manufactured food products can be used to process in a reduced oxygen atmosphere. If it is necessary to stop processing for a period in excess of one-half hour, the remainder of the product must be diverted for another use in the retail operation.

**Section 760.2070 Disposition of Expired Product**

Retail processed reduced oxygen foods that exceed the "use by" date or the manufacturer's "pull date" cannot be sold or donated in any form and must be destroyed in a proper manner.

**Section 760.2080 Dedicated Area/Restricted Access**

All aspects of reduced oxygen packaging shall be conducted in an area specifically designated for this purpose.

- a) There shall be a physical separation to prevent cross-contamination between raw and cooked products.
- b) Access to the processing area shall be restricted to responsible trained personnel who are familiar with the potential hazards of this operation.

SUBPART K: MEAT/POULTRY PROCESSING AND LABELING

**Section 760.3000 Exceptions**

Meat products which are prepared, packaged and labeled in establishments operating under the inspection of the United States Department of Agriculture, pursuant to the authority of the Federal Wholesome Meat Act and regulations promulgated thereunder and meat products which are prepared and labeled in establishments operating under the inspection of the Illinois Department of Agriculture, pursuant to the authority of the Meat and Poultry Inspection Act (Ill. Rev. Stat. 1991, ch. 56½, par. 301 et seq.) and regulations promulgated thereunder, shall not be subject to the requirements of Subpart K.

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

**Section 760.3100 Meat and Poultry Labeling**

Every package of meat or poultry or meat or poultry product shall comply with all labeling requirements of Section 760.110(i) of this Part.

- a) All ground beef is to be labeled "Ground Beef", "Chopped Beef" or "Hamburger." When beef cheek meat (trimmed beef cheeks) is used in the preparation of chopped beef, ground beef, or hamburger, the amount of such cheek meat shall be limited to 25 percent and its presence shall be declared on the label, either contiguous to the name of the product or in the ingredient statement.
- b) It is not necessary to indicate the lean-to-fat content. However, if it is shown, the label must indicate "Not Less than % Lean," or "Not More Than % Fat." An example would be:

GROUND BEEF  
Not Less Than 75% Lean  
or  
Not More Than 25% Fat

- c) An added descriptive name may be used where the ground beef is prepared from a specific beef cut such as the chuck, round, sirloin, etc. An example would be:

GROUND BEEF CHUCK  
or  
GROUND BEEF CHUCK  
Not Less Than 75% Lean

- d) The label of a prepacked product which conforms to the definition of "Beef Pattie Mix" as prescribed in Section 760.20, shall declare, in addition to the name of the product, the percentage by weight of beef contained in the product, and the common or usual name of each ingredient in decreasing order of its predominance. Binders or extenders and/or partially defatted beef fatty tissue may be used without added water, or with added water only in amounts such that the product characteristics are essentially that of a meat pattie. If displayed in bulk, a placard must be exhibited to identify the product in accordance with this rule. A sample label or placard would be:

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

BEEF PATTIE MIX

70% Beef

Ingredients: Beef, water  
non-meat protein extenders

- e) "Seasoning: permitted in ground or chopped beef or hamburger or poultry may include salt, natural sweeteners, spices, flavoring, including essential oils, oleoresins and other spice extractives, monosodium glutamate, hydrolyzed vegetable protein and similar flavorings when used in condimental proportions. Seasoning does not include coloring, sulfites or color enhancers.
- f) The requirements which apply to ground beef shall also apply to veal, lamb, pork or poultry if offered in the chopped or ground form. If these ground meats are merchandised as a combination package, each component must be indicated on the label. A sample label for beef, lamb, pork and poultry would be:
- |               |        |
|---------------|--------|
| Ground Beef   | Beef   |
| Ground Lamb   | Lamb   |
| Ground Pork   | Pork   |
| Ground Turkey | Turkey |
| Ground Veal   | Veal   |
- g) Fanciful or characterizing names of ground meats or poultry are permitted, but only if they do not obscure or replace the approved name. The fanciful or characterizing name may be placed on the regular price-weight label or on a separate label but the approved identification must appear conspicuously and unobscured.
- h) No grade designation may be used for ground meat or poultry. After trimming and grinding, meat loses its grade identification and therefore does not have a grade in the ground form.
- i) "Previously Frozen" must be labeled on the package, container or wrapping, in type of uniform size and prominence so as to be readable and understood by the general public if a meat or meat food product or poultry or poultry food product has been frozen prior to sale.

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

- j) Meat, poultry, game birds or game animals smoked or processed as a service to the customer shall be marked with the customer's name and labeled "not for sale."

**Section 760.3200 Smoked Meat, Poultry and Other Food Products**

- a) Any smoking operation shall comply with all other applicable requirements of this Part.
- b) Approved materials for use with a smoke generator include hardwood, hardwood sawdust, corn cobs, and natural liquid smoke. Products approved by U.S.D.A., FDA or the Illinois Department of Agriculture meet these safety requirements.
- c) The internal temperature of any smoked product shall comply with the requirements of Section 760.190 (Cooking Potentially Hazardous Foods).
  - 1) Automatic recording thermometers with internal product temperature probes or a metal-stemmed thermometer shall be available and used whenever product is smoked.
  - 2) Product to be smoked shall be uniformly sized to ensure that each piece reaches the required end cooking temperature.
  - 3) When a cold smoking process is used for cosmetic purposes, that is, to add smoke color or flavor to a pre-cooked product, the cold smoke process must be of such duration that the product temperature(s) remains at or below 45 °F prior to July 1, 1996, and at or below 41 °F effective July 1, 1996.
- d) A Hazard Analysis Critical Control Point program shall be available in the processing area to describe the smoking process. It shall consist of written procedures describing the preparation, smoking, handling, packaging and holding of the smoked products. It shall include, at a minimum:
  - 1) Defrosting procedures, if used;
  - 2) Time/Temperature requirements for cooking and smoking;

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

- 3) Cooling procedures;
- 4) Identification of the critical control points in the procedure with a description of how these will be monitored and controlled;
- 5) Designation of a dedicated work area where raw product is handled and a separate work area for cooked or smoked product to prevent cross-contamination;
- 6) Description of the cleaning and sanitizing procedures, including frequency; and
- 7) Samples of labels with all ingredients contained in the product.

**Section 760.3300 Curing of Meat and Poultry**

- a) No retail food store shall cure meat and/or poultry on the premises of the retail food store without written approval from the Department or its designee.
- b) Any retail food store desiring to conduct curing operations on the premises shall submit a written application to the appropriate local health department for review. The application shall include all information required in this Section and shall be product specific. The local health department will perform a preliminary review of the application. The local health department shall forward the application and its recommendation regarding the application, along with any comments, to the Department for final approval. The Department may, upon request of a local health department, enter into an agreement with the local health department to allow the local health department to grant final approval for meat and poultry curing operations within its jurisdiction. Prior to commencing curing operations, the local health department shall perform an on-site inspection of the retail food store to ensure that the curing operations conform to the approved HACCP plan. Where no local health department exists, the Department will accept and review HACCP plans and will conduct on-site inspections of the facility.
- c) A list of acceptable products approved for curing within the retail food store must be available in the processing area of the establishment.

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

- d) Employees assigned to cure meat or poultry must complete a training course developed by the food service establishment and demonstrate familiarity with this Section and the potential hazards associated with the curing of foods. A description of the training course content provided to the employees must be included in the application and available for review by the local health department.
- e) An approved HACCP plan is required for all curing operations. The following criteria must be met for the curing of meat and poultry in the establishment. All critical control points must be addressed including purchase of prepared cure mixes; use of calibrated and certified weighing devices if cure mixes are blended on the premises instead of pre-mixed blends; storage of cure ingredients in a dry, protected location; and discarding of any packet if it becomes wet.
- f) Raw material handling must be considered when thawing to prevent temperature abuse. Improperly thawed meat can cause insufficient cure penetration. Temperature abuse can cause spoilage or growth of pathogens. Curing may not be used to salvage meat that has excessive bacterial growth or spoilage.
- g) Formulation, Preparation and Curing:
  - 1) A formulation and preparation procedure must be documented;
  - 2) All equipment and utensils must be cleaned and sanitized;
  - 3) Pieces of meat or poultry must be prepared to uniform size to assure uniform cure penetration (this is extremely critical for dry and immersion curing);
  - 4) Calibrated and certified scales with decals affixed indicating that the scales have been calibrated and certified by the Department of Agriculture, or one of their registered service companies, must be used to weigh ingredients;
  - 5) A schedule or recipe must be established for determining the exact amount of curing formulation to be used, using only pre-measured and weighed packets, for a specified weight of meat or meat mixture;

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

- 6) Methods and procedures must be strictly controlled to ensure uniform cure;
  - 7) Mixing of curing formulation with comminuted ingredients must be controlled and monitored (See 9 CFR 318 and 381);
  - 8) All surfaces of meat or poultry must be rotated and rubbed at intervals of sufficient frequency to assure cure penetration when a dry curing method is used;
  - 9) Immersion curing requires periodic mixing of the batch to facilitate uniform curing;
  - 10) The application of salt during dry curing of muscle cuts requires that the temperature of the product be strictly controlled between 35 F and 41 F. The lower temperature is set for the purpose of assuring cure penetration and the upper temperature is set to limit microbial growth (See 9 CFR 318.10(c)(3)(iv));
  - 11) Curing solutions must be discarded daily unless they remain with the same batch of product during its entire curing process;
  - 12) Injection needles must be inspected for plugging when stitch pumping or artery pumping of muscle cuts is performed;
  - 13) Sanitary casings must be provided for sausage, chub or loaf forming; and
  - 14) Casings may not be stripped for reuse in forming additional chubs or sausages from batch to batch.
- h) Cooking and smoking shall be done according to Section 750.180, Cooking Potentially Hazardous Foods, or Section 750.3200, Smoked Meat, Poultry or Other Food Products (See also 9 CFR 318.17 and 318.23).
- i) Cooling:
- 1) Cooling shall be done according to Section 760.150(c)(1)(A) and (B), with

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

written cooling procedures established;

- 2) Chill water used in water sprays or immersion chilling which is in direct contact with products in casings or products cooked in an impervious package must be properly chlorinated;
  - 3) Chill water temperature must be monitored and controlled;
  - 4) Chill water may not be reused until properly chlorinated. Reclaimed chill water must be discarded daily;
  - 5) Product must be placed in a manner that allows chilled water or air to uniformly contact the product for assurance of uniform cooling;
  - 6) Internal temperatures must be monitored during cooling by using calibrated temperature measuring devices;
  - 7) Adequate cooling medium circulation must be maintained and monitored;
  - 8) Temperatures of the cooling medium must be monitored and recorded in accordance with a written procedure;
  - 9) Direct hand contact with product during cooling, peeling of casing and packaging is prohibited.
- j) Fermentation and Drying:
- 1) Fermentation and drying must be done in conjunction with a cooking or smoking step in accordance with subsection (g) of this Section and 9 CFR 318.10(c)(3);
  - 2) Temperature and time must be controlled during fermentation or drying and record logs that record the monitoring of this process must be maintained;
  - 3) Humidity must be controlled during fermentation or drying by use of a humidistat. Monitoring of the process must be recorded in a written log;

ILLINOIS REGISTER

---

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

- 4) The product must be kept separated during fermentation and drying to allow adequate air circulation during the process;
  - 5) The use of an active and pure culture must be assured to effect a rapid pH drop of the product. Use of commercially produced culture is necessary and the culture must be used according to the manufacturer's instructions;
  - 6) Determination of the pH of fermented sausages at the end of the fermentation cycle must be recorded;
  - 7) Dry (unfermented) products may not be hot smoked until the curing and drying procedures are completed; and
  - 8) Semi-dry fermented sausage must be heated after fermentation to a time/temperature sufficient to meet requirements in Section 750.180 (Cooking Potentially Hazardous Foods).
- k) All aspects of curing operations must be conducted in an area specifically designated for this purpose. There must be an effective separation to prevent cross contamination between raw and cooked foods or cured and uncured foods. Access to processing equipment shall be restricted to responsible trained personnel who are familiar with the potential hazards inherent in curing foods.
- l) Any records required in this Section must be retained by the retail food store for at least 6 months.

**Section 760.APPENDIX A Retail Food Sanitary Inspection Report**

GRAPHIC MATERIAL  
See printed copy of IAC for detail