

# MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

## CHAPTER VII

### FOOD EMPLOYEES/CERTIFIED FOOD PROTECTION MANAGERS

#### REGULATION 1. Definitions

- a. “Certified Food Protection Manager” means any person who supervises/trains a Food Employee(s) to follow all food safety regulations (Chapter VII and Chapter VIII). The manager shall be a full time employee of the individually permitted food establishment where employed.
- b. “Certified Food Protection Manager Certificate” means a document certifying that an individual has fulfilled the requirements to work as a Certified Food Protection Manager.
- c. “Food Employee” Shall have the same meaning as ARS §11-269.12 food handler, and means any person who handles, prepares, serves, sells or gives away food for consumption by persons other than his or her immediate family, or who handles utensils and equipment appurtenant thereto. The term does not include persons in establishments regulated under this code who handle food or drink exclusively in closed crates, cartons, packages, bottles or similar containers in which no portion of the food or drink is exposed to contamination through such handling.
- d. “Limited Use Food Employee Certificate” means a document issued by the Department certifying that an individual with a disability has fulfilled the requirements to perform specific low public health risk activities.
- e. "Person in Charge" means the individual present at a food establishment who is responsible for the operation at the time of inspection.
- f. “Fee Waived Food Employee Certificate” means a document issued by the department certifying that an individual working under a Maricopa County Board of Health fee waiver has fulfilled the training requirements.

#### REGULATION 2. Person in Charge and Certified Food Protection Manager

- a. The Person in Charge of a food establishment shall ensure Food Employee(s) are trained on foodborne disease prevention in accordance with Chapter VIII, Section 2 of the Maricopa County Environmental Health Code, within 30 days of performing any Food Employee activity.
- b. The Person In Charge of a Temporary Food Establishment, Seasonal Food Establishment, or Special Event Food Establishment shall ensure Food

Employee(s) are trained on foodborne disease prevention in accordance with Chapter VIII, Section 2 of the Maricopa County Environmental Health Code, prior to the start of the event.

- c. A valid Food Employee certificate or identification card as described in Regulation 4 of this chapter, may serve as documentation of training.
- d. Each food establishment shall maintain on its premises a separate file containing Food Employee training documentation.
- e. Each food establishment shall have at least one (1) Certified Food Protection Manager on staff.
- f. Each food establishment shall replace the Certified Food Protection Manager within ninety (90) days of separation.
- g. A Certified Food Protection Manager shall obtain a Certified Food Protection Manager Certificate after successful completion of a test from a food protection manager certification program as described in the 2017 FDA Food Code, § 2-102.20. A Certified Food Protection Manager Certificate shall expire five (5) years from the date of successful completion of a Certified Food Protection Manager test.

### **REGULATION 3 Food Employee Certificates**

The Department may issue the following Food Employee certificates:

- a. A Limited Use Food Employee Certificate may be issued to reasonably accommodate a person with a disability.
  - 1. A person with a Limited Use Food Employee Certificate shall be under direct supervision of the food establishment's Certified Food Protection Manager at all times when handling food or food contact surfaces.
  - 2. The food establishment's Certified Food Protection Manager shall be responsible for all Limited Use Food Employee Certificate applicants, for requesting a Department onsite visit to have the Department officially document any training and to witness the applicant's associated functions and duties assigned by the Certified Food Protection Manager.
  - 3. Upon Department approval, the applicant will receive a Limited Use Food Employee Certificate.

- b. A Fee Waived Food Employee Certificate may be issued to:
  - 1. A Food Employee for which Maricopa County Board of Health has waived payment of associated fees due to their charitable or nonprofit status.
  - 2. A Food Employee enrolled in a K-12 culinary arts school program or other similar curriculum based programs for which Maricopa County Board of Health has waived payment of associated fees.

**REGULATION 4. Food Employee Training Documentation**

- a. Food employee training documentation may be shown by the following:
  - 1. A valid Food Employee certificate, or identification card, issued by another county within the State of Arizona; or
  - 2. A valid Food Employee certificate of successful completion of a food handler training course given by the Department; or
  - 3. A valid Food Employee certificate of successful completion of a third party food handler training course that meets all State of Arizona statutory requirements, including compliance with the American National Standards Institute/ASTM International Standard E2659-09.
- b. A certificate issued under paragraphs 2 and 3 of Regulation 4 shall expire three (3) years from the date of issue.

**REGULATION 5. Communicable Disease**

- a. Notwithstanding any other provision in this code, should the Environmental Health Officer reasonably believe that a Food Employee or Certified Food Protection Manager may be a carrier of or infected with a communicable disease which can be transmitted to the public, through food, the environmental health officer shall immediately notify the Director of the Maricopa County Department of Public Health, (MCDPH) who may: (1) examine or cause the examination of the Food Employee, and (2) secure from the Food Employee or Certified Food Protection Manager appropriate specimens or fluids of body discharge and cause them to be examined at a laboratory approved by the Director of MCDPH or by the Arizona Department of Health Services. The Environmental Health Officer may exclude from any food service work any Food Employee or Certified Food Protection Manager who has or demonstrates any illness or symptoms of a communicable disease that may be transmitted through food from food service work. A person so excluded shall not thereafter engage in food service work until approved by the Director of MCDPH.

- b. If required by the Director of MCDPH, a Food Employee or Certified Food Protection Manager shall furnish such information, submit to physical examination, and submit such specimen for laboratory examination, as the MCDPH Director may require for the purpose of determining freedom from communicable disease. The failure of a Food Employee or Certified Food Protection Manager to do so to the satisfaction of the Director of MCDPH, shall be sufficient basis for excluding the Food Employee or Certified Food Protection Manager from such occupation.
- c. A person excluded from food service work by the Director of MCDPH shall be entitled to a hearing on written request made to the Director of MCDPH within ten (10) days of exclusion. If a request for hearing is received, a hearing shall be held by the MCDPH Director or their designee within five (5) working days.

#### **REGULATION 6. Exemptions**

Any food establishment, as defined in Chapter VIII of this code, exclusively serving non-time/temperature control for food safety foods is exempt from Regulation 2 Paragraph e. of this Chapter.

**MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE**

**CHAPTER VIII**

**FOOD, FOOD PRODUCTS,  
FOOD HANDLING ESTABLISHMENTS**

**SECTION 1**

**GENERAL PROVISIONS**

**REGULATION 1. Definitions**

- (1) “A.A.C.” means the Arizona Administrative Code.
- (2) “Adulterated” means possessing one or more of the conditions enumerated in A.R.S. § 36-904 (a) or listed below:
  - (a) It does not meet the requirements of the regulations and definitions for standard, fill and quality of the Federal Food and Drug Administration.
- (3) “Advanced Preparation” means food preparation with multi-step handling of raw and/or pre-cooked ingredients including the cooking, cooling, and re-heating of potentially hazardous foods (time/temperature control for safety food) for holding or immediate service, or where significant risk factors contributing to foodborne-illness may occur as determined by the Department.
- (4) “Adventure Food Establishment” means and refers to a food establishment that operates in conjunction with a trail ride or similar type activity and prepares or serves food to participants.
- (5) “Applicant” means the following person requesting a permit:
  - (a) If an individual, the individual who owns the food establishment or their designee;
  - (b) If a corporation, any 2 officers of the corporation;
  - (c) If a limited liability company, the designated manager or, if no manager is designated, any 2 members of the limited liability company;
  - (d) If a partnership, any 2 of the partners;
  - (e) If a joint venture, any 2 individuals who signed the joint venture agreement;
  - (f) If a trust, the trustee of the trust;

- (g) If a religious or nonprofit organization, the individual in the senior leadership position within the organization;
  - (h) If a school district, the superintendent of the district;
  - (i) If an agency, the individual in the senior leadership position within the agency; or
  - (j) If a county, municipality or other political subdivision of the state, the individual in the senior leadership position within the county, municipality, or political subdivision.
- (6) “Approved” means acceptable to the Department or to the food regulatory agency that has jurisdiction based on a determination of conformity with principles, practices and generally recognized standards that protect public health.
- (7) “A.R.S.” means the Arizona Revised Statute.
- (8) “Bakery” means any place in which is carried on the process of mixing, compounding, cooking, baking, or manufacturing any bakery product. A bakery is a food establishment that exclusively prepares bakery items for immediate service on the premises, directly to a consumer and/or for resale or redistribution by a retail food establishment.
- (9) “Bakery Product” means any bread, biscuits, pretzels, crackers, buns, rolls, macaroni or any similar pastes, pastries, cakes, doughnuts, pies or other food products of which flour or meal is the principal ingredient. Bakery products shall include the materials from which the above are manufactured, but shall not include packaged mixes.
- (10) “Bare Hand Contact Exemption” is an exemption that is granted by the Department to an establishment that demonstrates a reduced health risk to hand contact.
- (11) “Bottled Water & Beverage Plant” means a food establishment in which is carried on the process of bottling, canning or packaging any beverage for human consumption.
- (12) “Boarding Home” means a transient dwelling establishment that also operates a food establishment where food is provided to patrons along with resident accommodations:
- (a) Class 2 - operations with only limited preparation of menu items.

- (b) Class 5 - operations with advanced preparation or where the consumers specifically include populations highly susceptible to foodborne illness.
- (13) “Bottle” means and includes any container used for the finished product regulated by this code.
- (14) “Bottled Drinking Water” means water that is sealed in bottles, packages, or other containers and offered for sale for human consumption, including bottled mineral water and is in compliance with A.A.C. Title 9, Chapter VIII, Sections 201 through 209, excluding Sections 202 and 208, Paragraphs a & b.
- (15) “Class” means a permit subtype. A permit subtype class is based on the food main menu items, the degree of food preparation activities or the amount of pre-packaged food. There are five classes, one (1) through five (5).
- (16) “Code of Federal Regulations (CFR)” means the compilation of the general and permanent rules published in the Federal Register by the executive Departments and agencies of the Federal Government which:
- (a) Is published annually by the U.S. Government printing office; and
- (b) Contains FDA rules in 21 CFR, USDA rules in 7 CFR and 9 CFR, EPA rules in 40 CFR, and wildlife and fisheries rules in 50 CFR, as amended at the time of their application.
- (17) “Commissary” means a food establishment that acts as a base of operation for a mobile food establishment, food vending establishment or an adventure food establishment.
- (a) Class 2 – provides only pre-packaged food items.
- (b) Class 4 - provides pre-packaged food items and facilities for food preparation.
- (18) “Competition Food Event” means any event that operates for not more than fourteen (14) consecutive days in which the competitors are vying with one another for profit, prize or position based on one similar type of food prepared by each competitor. Complimentary samples not to exceed 2 ounces may be given to the general public.
- (19) “Confectionary Food Establishment” means any place in which the processes are carried on of mixing, compounding, cooking, baking, or manufacturing any non-potentially hazardous (non-time/temperature control for safety) bakery products

and confectionary items to be immediately served on that premises, directly to a consumer, and/or for resale or redistribution by a food establishment.

- (20) “Converting” or “Converted” or “Conversion” when used in regards to frozen desserts shall be deemed to mean the process by which a frozen dessert is changed from a frozen to a semi-frozen form without any change in the ingredients thereof.
- (21) “Damaged Food” means any food, whether or not packaged, which has been subjected to deleterious or destructive influences from fire, heat, freezing, radiation, physical damage, total or partial immersion in sewage, contaminated liquids or water, excessive shelf life or storage, or from any other circumstances, and which is held, offered for sale, sold, or given away for human consumption.
- (22) “Damaged Food Establishment” is a food establishment that specializes in the recovery, redistribution or resale of damaged food.
- (23) “Daycare Foodservice” is a food establishment which prepares food for immediate service on-site, or directly to a consumer where the consumers are facility staff and daycare children.
- (24) “Department” means the Maricopa County Environmental Services Department.
- (25) “Dispensing Freezer (Frozen Desserts)” means the type of equipment which freezes or partially freezes frozen desserts so they are served in a soft condition for sale to the retail customer. Dispensing freezers shall meet the minimum standards of design to construction as formulated by an American National Standards Institute Accredited Certification Program; only that equipment which is designed and constructed in accordance with the applicable standard may be installed as new or replacement equipment.
- (26) “Eating & Drinking Establishment” is a food establishment that prepares food for service on the premises or take-out delivery directly to a consumer. Examples of eating & drinking food establishments are: 0-9 seating, 10+ seating, adult daycare, assisted living, hospital food service, jail food service, nursing home, school food service, senior food service, and service kitchen.

Class 2 - quick service operations with only limited preparation of menu items or as approved by the Department.

Class 3 - quick service operations with advanced preparation of two or less menu items as approved by the Department.

Class 4 - full service operations with advanced preparation of three or more menu items as approved by the Department.



Class 5 - quick or full service operations where the consumers specifically include populations highly susceptible to foodborne illness or as approved by the Department.

- (27) “Event” means a public celebration such as but not limited to a fair, festival, circus, exhibition, carnival, food and/or drink tasting.
- (28) “Farmers’ Market” means and refers to a market where producers, as defined in Arizona Revised Statutes § 3-561, sell or give away their products directly to consumers.
- (29) “Farmers’ Market Coordinator” means an individual responsible for the operation of the farmers’ market in conformance with the requirements of this code, including providing common facilities for and monitoring the farmers’ market food establishments.
- (30) “Food Bank” is a food establishment that operates in conjunction with an organization such as a charity that provides food, which has been acquired through purchases or donations, and offers the food directly to a consumer.
- (31) “Foodborne Disease Outbreak” means the occurrence of two or more cases of a similar illness resulting from the ingestion of a common food, and the current definition provided by the U.S. Centers for Disease Control and Prevention.
- (32) “Food Catering” is a food establishment where a pre-arranged number of meals and/or food products are prepared at one permitted premise for immediate service and consumption at another pre-arranged location.
- (33) Food Establishment - as defined in the U.S. Food and Drug Administration 2017 Food Code
  - (a) “Food Establishment” includes:
    - (i) The following establishments defined in this Chapter such as: adventure food service; annual event food establishment; bakery; boarding home; bottled water & beverage plant; commissary; damaged food; daycare foodservice; eating and drinking; food bank; food catering; food jobber; food production; ice manufacturing; meat establishment; mobile food type I; mobile food type II; mobile food type III; refrigerated warehouse/locker; retail food establishment; seasonal food establishment; temporary food establishment and vending machine.
    - (ii) Demonstration cooking classes that advertise and/or demonstrate the preparation and/or cooking of food and then offer the food to the public for consumption at the conclusion of the demonstration. This also includes kitchenware establishments that demonstrate

and offer samples to customers and food or beverage sampling offered to the consumer from an open bottle, cup or container.

(iii) As defined in the U.S. Food and Drug Administration 2017 Food Code

(b) “Food Establishment” does not include:

(i) A home cooking school in which food and/or meals are served at a non-commercial social event, employee conducted function, or prepared at a home cooking school. No more than one meal per day shall be served to no more than fifteen students. The students shall be informed by a statement contained in a published advertisement, mailed brochure and placard posted at the cooking school’s registration that the food is prepared in a kitchen that is not regulated and inspected by the Department or by a local health authority.

(ii) Demonstration culinary cooking schools and home economics classes accredited by the appropriate entity such as an educational institution and all food is prepared and consumed by the student in training. Food may not be purchased by the school or stored on premises.

(iii) A school or business that demonstrates the preparation of food but does not offer samples to the public for consumption.

(iv) A demonstration cooking class in which the public purchases, prepares and/or cooks and consumes their food.

(v) A “Chef for Hire” at a private residence for a private, non-advertised event where fees are paid by the responsible party for this service. Fees cannot be collected from the attendees of the event.

(vi) As defined in the U.S. Food and Drug Administration 2017 Food Code.

(34) “Food Jobber” means any wholesale food establishment in which food, not manufactured, on the premises, is offered for sale for ultimate human consumption.

(35) “Food Production” a food establishment that manufactures, packages, labels, or stores food for human consumption.

(a) Class 2 – operation with only limited preparation of food items.

- (b) Class 4 – operation with advanced preparation of food items.
- (36) “Food Readily Perishable” means any food or ingredient capable of supporting rapid and progressive growth of spoilage microorganisms.
- (37) “Frozen Desserts” means ice cream, frozen custard, French ice cream, ice milk, quiescently frozen confection, quiescently frozen dairy confection, French custard ice cream, artificially sweetened ice cream, manufactured desserts mix, whipped cream confection, bisque tortoni sherbets, water ice and mellorine frozen desserts and all such other products, together with any mix, used in making such frozen desserts, and any other products which are similar in appearance, odor or taste to such products or are prepared or frozen as frozen desserts are customarily prepared and frozen, whether made with dairy products or non-dairy products.
- (38) “Frozen Desserts Mix” means any pasteurized mix that is converted into frozen dessert.
- (39) “Ice” means the product, in any form, obtained as a result of freezing water.
- (40) “Ice Manufacturing Plant” means any food establishment, together with the necessary appurtenances, in which ice is manufactured or processed, and stored, packaged, distributed, or offered for sale for human consumption, or for use in which it may come into contact with food equipment or utensils, or with food or beverage intended for human consumption.
- (41) “Insanitary” means unclean or unhealthy and the term shall apply to food in the process of production, preparation, manufacture, packing, storing, sale, distribution, or transportation, which is not adequately protected from insects, flies, rodents, dust, and dirt and by all reasonable means from all other foreign or injurious contamination; or to refuse, dirt, or waste products subject to decomposition and fermentation incident to the manufacture, preparation, packing, storing, selling, distribution, or transportation of food, which are not removed daily; or to machinery, equipment and utensils used in food processing, preparation, manufacture, packing, storing, sale, distribution, or transportation, which are not maintained in a clean condition; or to clothing of persons engaged in food handling which is unclean; or to any other condition determined by the Department to constitute a health hazard.
- (42) “Inspection Upon Request” is an inspection requested by the owner in addition to the routine inspections used to determine fees for their permit to operate. The owner must apply and pre-pay a fee for these inspections.
- (43) “License” means the permit document issued by the Department that authorizes a person to operate a food establishment.
- (44) “License Holder” means the entity that:

- (a) Is legally responsible for the operation of the food establishment such as the owner, the owner's agent, or other person; and
  - (b) Possesses a valid permit to operate a food establishment.
- (45) "Limited Preparation" means food preparation limited to assemble-serve, cook-serve, chill-serve, and/or hold-serve or otherwise as determined by the Department.
- (46) "Manufacturing" or "processing" means treating, compounding, blending, cooking, baking, packaging, pasteurizing, bottling, or any other method of preparing food for consumption.
- (47) "Meat Establishment" means a store or shop at the retail level in which meat, meat products, fish, poultry, game animal, or molluscan shellfish are processed, prepared, stored, sold, or offered for sale. Preparation by means of cooking shall be limited to the production of meat, meat products, fish, poultry, game animal, and molluscan shellfish for consumption off the premises.
- (48) "Micro Market" means an unattended retail food establishment where commercially prepackaged, time/temperature control for safety foods or ready-to-eat fruits and vegetables are offered for sale.
- (49) "Mislabeled" or "Misbranded" means wrongly labeled or branded and the term shall apply to any food if it does not conform to the Federal Food and Drug Administration requirements for labeling located in 21CFR101.
- (50) "Mobile Food Establishment" means a food establishment that is readily movable and is dispensing food/beverages for immediate service and consumption from any vehicle or other temporary location or facility.

For the purpose of this Environmental Health Code, mobile food establishments are classified as follows:

- (a) "Annual Event Food Establishment" means a food establishment that operates in conjunction with one event that operates for not more than one-hundred twenty (120) consecutive days. Annual Event Food Establishment permits are issued for one (1) year to vendors operating at multiple department-approved events.
- (b) "Mobile Food Type I" means a food establishment that dispenses commercially processed, individually packaged foods and/or non-time/temperature control for safety (non-TCS) beverages.
- (c) "Mobile Food Type II" means a food establishment that dispenses food that requires limited handling and preparation.

- (d) “Mobile Food Type III” means an enclosed vehicle-mounted food establishment that prepares, cooks, holds and serves food.
- (e) “Seasonal Food Establishment” means a food establishment that operates in conjunction with one event that operates for fifteen (15) to one hundred twenty (120) consecutive days within any permit year.
  - (i) Class 1 - seasonally themed operations in major shopping malls as approved by the Department.
  - (ii) Class 2 - seasonal operations such as spring training, state fair, etc. or as approved by the Department
- (f) “Temporary Food Establishment” means a food establishment that operates in conjunction with one event that operates for fourteen (14) days or less.
- (51) “Pasteurization (Frozen Desserts)” means the process of heating every particle of mix to at least 155°F. and holding at such temperature for at least 30 minutes in approved and properly operated equipment; provided, that nothing contained in this definition shall be construed to prevent the use of another process which has been demonstrated to be equally efficient and is approved by the Department.
- (52) “Permit” means the document issued by the Department that authorizes a person to operate a food establishment.
- (53) “Permit Category” means a category for which a particular food establishment would be classified as listed in the Maricopa County Environmental Health Code, Chapter I, Fee Schedule.
- (54) Potentially Hazardous Food (time/temperature control for safety food) as defined in the U.S. Food and Drug Administration 2017 Food Code and includes sun tea that is not brewed.
- (55) “Prepare” means to process commercially for human consumption by manufacturing, packaging, labeling, cooking, or assembling.
- (56) “Product Contact Surface” means any surface, including but not limited to piping, machinery, equipment, containers, or utensils of any description, with which food comes into contact.
- (57) “Public Health Control” means a method to prevent transmission of foodborne illness to the consumer.
- (58) “Reconstituted” means dehydrated food products recombined with water or other liquids.

- (59) “Refrigerated Warehouse” means any place, other than a restaurant, store, home, or eating establishment with refrigerated space exclusively for its own use, providing refrigeration and refrigerated storage service to the public with facilities to cool and keep food other than fresh unprocessed fruits and vegetables at a temperature at or below 41°F. (5°C.).
- (60) “Regulatory Authority” means the Maricopa County Environmental Services Department.
- (61) “Remodel” means to change the physical facilities or plumbing fixtures in a food establishment’s food preparation, storage, or cleaning areas through construction, replacement, or relocation, but does not include the replacement of old equipment with new equipment of the same type.
- (62) “Requester” means a person who requests an approval from the Department, but who is not an applicant or a permit holder.
- (63) “Retail Food Establishment” means an establishment that sells produce, pre-packaged food that requires time/temperature control for safety, and/or food in bulk that does not require time/temperature control for safety.
- (a) Class 2 - An operation that sells only pre-packaged food that requires time/temperature control for safety and/or bulk food that does not require time/temperature control for safety.
- (b) Class 3 - An operation that sells pre-packaged food that requires time/temperature control for safety, bulk food that does not require time/temperature control for safety and/or produce that is washed, portioned, and/or packaged for retail sale.
- (64) "Sanitary" means clean, healthy and not deleterious to health and the term shall apply to food in the process of production, preparation, manufacture, packing, storing, sale, distribution, or transportation, which is adequately protected from flies and other insects, rodents, dust, and dirt and by all reasonable means from all other foreign or injurious contamination; and shall apply to the absence of refuse, dirt, or waste products subject to decomposition.
- (65) “School Bakery” means a food establishment owned by a school district or similar entity that prepares exclusively bakery items for immediate service on-site, directly to a consumer, and/or for redistribution at another school or similar facility.

- (66) “School Food Catering” a food establishment owned by a school district or similar entity where a pre-arranged amount of food is prepared at one permitted premise for immediate service and consumption at another pre-arranged or satellite location on a school campus/grounds or another location owned by the school district.
- (67) “School Food Jobber” means a food establishment, which is a food storage facility, owned by a school district or similar entity where food, not manufactured on the premises, is stored for ultimate human consumption at a school or similar facility.
- (68) “School Food Production” means a food establishment that is processing food and is owned by a school district or similar entity:
- (a) Class 2 – operation with only limited preparation of food items.
  - (b) Class 4 – operation with advanced preparation of food items.
- (69) “Service Animal” means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.
- (70) “Service Kitchen” means and refers to a food service establishment that operates in conjunction with a permitted food establishment and shall be operated and maintained in compliance with the appropriate provisions of this code.
- (a) “Adult Care Service Kitchen” means and refers to a service kitchen that operates in conjunction with a permitted food establishment located onsite and shall be operated and maintained in compliance with the appropriate provisions of this code. These establishments serve highly susceptible populations. Limited Preparation and reheating for immediate service for individual orders is permissible. Adult Care Service Kitchens may not serve a population of 16 or more.
- (71) “Shared Facility” means any food establishment that shares food preparation, food storage and/or warewashing facilities with permittees under different ownership.

#### Additional Requirements for shared Facilities

- (a) The shared facility owner must provide each permittee with a designated and labeled space for the storage of supplies and dry goods. All temperature/time control for safety foods must also have a designated and labeled location in the refrigeration unit. The shared facility owner must be able to provide access to all areas upon request by the Department.

- (72) “Table-Mounted Equipment” means equipment that is not portable and is designed to be mounted off the floor on a table, counter or shelf.
- (73) “Tempered Water” means potable water ranging from 85°F to 105°F that comes from an approved source provided through a properly regulated mixing valve.
- (74) “Trial Review Establishment” means a food establishment that is operating under a specialized Department review of alternative design items, equipment and Active Managerial Control Plans for a period not to exceed 6 months.
- (75) “Uniform Mechanical Code” means the Uniform Mechanical Code published by the International Association of Plumbing and Mechanical Officials.
- (76) “Vending Machine Operator” means anyone who as the owner or person in charge, furnishes, installs, services, operates, or maintains one or more vending machines.
- (77) “Wholesome” means clean, free from spoilage and safe for human consumption.

**REGULATION 2. Approval of Plans Required**

- a. No food establishment shall be constructed, nor shall any major alteration or addition be made thereto, until detailed plans and specifications for the premises have been submitted to and approved by the Department; nor shall any construction, alteration, or addition be made except in accordance with approved plans and specifications. The owner, operator or his authorized agent shall certify in writing that the plan documents comply with these regulations.
- b. The approval shall expire at the end of one year unless the project contemplated in the approved plans is substantially under construction by that time.
- c. Should it be necessary or desirable to make any material change in the approved plans and specifications, revised plans and specifications shall be submitted to the Department for review, and approval shall be obtained before the work affected by the change is undertaken. Structural changes or minor revisions not affecting health and sanitation will be permitted during construction without further approval.

**REGULATION 3. Permit Required**

- a. No person shall operate a food establishment without a valid permit to operate from the Department unless:
  - (1) The person is operating the food establishment in compliance with Section 2, Regulation 7 of this Chapter; or,
  - (2) The food establishment is exempt from permitting based on the provisions in A.R.S. § 36-136(I)(4).



- b. The permit to operate shall be posted in a conspicuous place on the premises of the food establishment.

**REGULATION 4. Access to Premises**

The owner or operator shall admit a representative of the Department at any reasonable time upon request, to any part of a food establishment for the purpose of inspection, and shall permit the copying of any or all records of food purchased or disposed of.

**REGULATION 5. Embargoed Food**

The Department, having reason to suspect that any food is unwholesome, spoiled or otherwise unsafe or unfit for human consumption, may forthwith label or seal such food as "withheld" or "embargoed." Such labeled or sealed food shall then be set apart from other foods by its owner and not used, sold or given away until the Department has had reasonable opportunity to cause a proper examination of the food to be made. After examination, the Department may remove the label or seal, or may direct the owner or person in charge of the food to denature, remove or destroy such food or to bring it into compliance with the requirements of this code, which he shall do.

**REGULATION 6. Condemned Equipment**

If after examination, the Department determines that a food utensil or food equipment is worn, defective, insanitary, or otherwise prejudicial to health, such utensil or equipment may be labeled "condemned" by the Department and the utensil or equipment so labeled may not thereafter be used for food storage, preparation, handling, or serving. The Department may direct the owner to bring the condemned utensil or equipment into compliance with the requirements of this code, or to remove it from the food establishment, or replace it with approved units, which he shall do.

**REGULATION 7. Removal of Seal**

A "withheld," "embargoed" or "condemned" label, tag or seal, having once been affixed by the Department to food or equipment, shall be removed only by the Department except as otherwise provided by law.

**REGULATION 8. General Sanitation**

The following shall be complied with in all food establishments:

- a. All parts, equipment and facilities of every food establishment, and all vehicles used in transporting food, shall be kept in a clean, healthful and sanitary condition, and in compliance with the pertinent provisions of this Environmental Health Code.

- (1) Ice intended for human consumption or in direct contact with food shall be kept and handled as required for food and shall be dispensed by employees only using scoops, tongs or other ice dispensing utensils or through automatic ice-dispensing equipment. Dispensing utensils shall be stored on a clean surface or in the ice with the handle extended out of the ice. Between uses, ice transfer equipment shall be protected from contamination. Ice storage bins shall be drained across an air gap. Cooling tubes or coils conveying beverages through ice to dispenser heads are acceptable.
  - (2) Bulk food such as cooking oil, syrup, salt, sugar, or flour shall be stored in containers identifying the food by common name.
- b. Oysters, clams or mussels shall not be stored, handled, processed, packed or repacked, held for sale, sold, or given away unless:
- (1) They have been grown, harvested, processed and transported in accordance with requirements of the United States Public Health Service Shellfish Certification Program; and unless:
  - (2) All interstate shipments held are accompanied by the tag, label, or other approved mark showing that the shipper has been duly certified by the State, Province, or Country of origin, and the name and certificate number of the shipper is included on the current United States Public Health Service Shellfish Certification list.
- c. Shellfish shall be so stored, handled, processed, packed, or repacked, held for sale, sold or given away that its true origin may be traced with facility. Specifically:
- (1) All vendors or purveyors of shellfish at retail, including food establishments, shall sell or furnish shellfish in or from the original container as received and identified from the interstate source; or if furnished in any other way, shall retain for a period of 90 days after disposition of any consignment of shellfish the invoices or other documents which identify the source or origin of the shellfish.
  - (2) All shellfish vendors or purveyors not described in subparagraph (a) above shall hold shellfish in their original shipping containers marked as required, or if the distributor or wholesaler repacks or processes the shellfish, the containers or packages thereof shall be identified with the certificate number showing the origin of the shellfish and the wholesaler's or distributor's name and address.
- d. Toilet Facilities
- (1) Adequate and convenient toilet facilities, approved by the Department, shall be provided for employees. Employee restrooms not located inside the

permitted establishment shall be under the control of either the permit holder or property management, and available during all hours employees are present in the establishment. All toilet rooms shall have self-closing doors, smooth and easily cleanable walls and ceilings, adequate ventilation to the outside air, and shall be posted with approved hand washing signs. Vestibules shall be provided when deemed necessary by the Department.

- (2) Adequate and convenient toilet and lavatory facilities shall be provided as required by the local building code jurisdiction for all customer restrooms.

e. Lavatory Facilities

- (1) Hand washing facilities shall be centrally located, visible and directly accessible, within 25 feet of all food preparation, food dispensing and warewashing areas. Barriers shall not physically and/or operationally obstruct the hand washing facility. Hand wash facilities shall be provided with hot and cold or tempered running water, soap and approved individual sanitary towels. When the hand washing facility is installed within 24 inches of a food preparation area, an approved splash guard shall be installed between the two locations. Lavatories, in addition to those provided in toilet rooms, shall be easily accessible to all employees. Mixing faucets are required in all new construction or when an existing lavatory is remodeled.
- (2) Where fixtures are located more than sixty feet from the water heater, a recirculation pump must be installed, in order to ensure that water reaches the fixture at a temperature of at least 110° Fahrenheit or
- (3) A separate, smaller water heater for remote fixtures.

f. Plumbing

- (1) All plumbing shall be sound, tight, durable, and properly located, installed and maintained in good order and repair, and shall not constitute a source of contamination to food, equipment or utensils, or create an insanitary condition or nuisance. No plumbing fixture, pipe or device which provides, or which may provide a connection between a potable water supply and a drainage, soil, waste or other sewer pipe so as to make possible the backflow of sewage or wastewater into the water supply system shall be installed or permitted to remain installed. All plumbing shall be installed in accordance with this code.
- (2) Drain lines from equipment shall not discharge wastewater in such a manner as to permit the flooding of floors or the flowing of water across working or walking areas, or in difficult to clean areas or otherwise create an insanitary condition or nuisance.

- (3) Water which has been used for cooling, or for any other purpose shall not be reused except as approved by the Department.
- (4) Conformance with the following requirements or similar requirements shall be adhered to for the determination of Maricopa County Environmental Health Code compliance with plumbing and mechanical codes. The current plumbing code as adopted by the Maricopa Board of Supervisors and as amended by Section 301 of Chapter 3 of the Maricopa County Planning and Development Department's Local Additions and Addenda, shall be adhered to for code compliance. This material is on file with the Maricopa County Planning and Development Department and is available at <https://www.maricopa.gov/2271/Ordinances-Regulations-and-Codes>.

g. Utensils and Equipment

- (1) Utensils and equipment, such as but not limited to vats, piping, counters, shelves, sinks, preparation tools, refrigerators, etc., shall be of approved materials and construction, easily cleanable and maintained in a sanitary condition. Equipment shall be certified or classified by an American National Standards Institute Accredited Certification Program, or deemed acceptable by the Department.

(a) A separate food preparation sink is required in facilities that have food preparation as determined by the Department.

- h. No hermetically sealed, no acid and low acid food which has been processed in place other than a commercial food processing establishment shall be used.
- i. Vehicles Transporting Food - All vehicles carrying food and food products shall be constructed, equipped and maintained as to protect the purity and wholesomeness of the transported products and shall conform to the applicable general regulations found in this code.

**REGULATION 9. Reserved**

**REGULATION 10.**

No person shall sell, offer for sale, or give away any food, which is unclean, unwholesome, contaminated, unfit, or otherwise dangerous or deleterious to health. The use of food from hermetically sealed containers which was not processed in an approved food processing establishment is prohibited.

**REGULATION 11. Compliance**

Representatives of the Department shall make such inspections of food establishments as necessary to assure compliance with these regulations. A copy of the report of the inspection shall be furnished to the owner, or operator, of the food establishment indicating the degree of compliance or noncompliance with the provisions of these regulations. Failure to correct any violation noted within the time limit specified shall be cause for denial, revocation or suspension of the permit to operate.

**MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE**

**CHAPTER VIII**

**FOOD, FOOD PRODUCTS,  
FOOD HANDLING ESTABLISHMENTS**

**SECTION 2**

**FOOD ESTABLISHMENTS**

**REGULATION 1. Food Establishments**

- a. Effective October 6, 2021, the U.S. Food and Drug Administration 2017 Food Code, and no future editions or amendments, is adopted and incorporated by reference, except as follows:
  1. Section 3-304.15 is omitted.
  2. Paragraph 3-201.11(B) is amended to read: food prepared in a private home may not be used or offered for human consumption in a food establishment unless the food is prepared in compliance with A.R.S. § 36-136(H)(4)(g).
  3. Section 8-301.11 is amended to read: a person may not operate a food establishment without a valid permit to operate issued by the regulatory authority unless the person is operating the food establishment in compliance with Regulation 7 of this Section.
- b. A food establishment that serves or vends food directly to the consumer that has been prepared in a private home in compliance with A.R.S. § 36-136(H)(4)(g) shall ensure that the final consumer of the product served or vended receives a copy of the required package label in accordance with A.R.S. § 36-136(H)(4)(g). This includes food prepared by the food establishment that incorporates products prepared in compliance with A.R.S. § 36-136(H)(4)(g).
- c. Copies of the U.S. Food and Drug Administration 2017 Food Code incorporated by reference herein are available from the U.S. Food and Drug Administration.
- d. For the purpose of this Section, references to “Regulatory Authority” in the U.S. Food and Drug Administration 2017 Food Code mean the Maricopa County Environmental Services Department.

## **REGULATION 2. Plans Submitted**

- a. No food establishment shall be constructed and no major alteration or addition shall be made thereto until detailed plans and specifications for such construction, alteration or addition have been submitted to and approved by the Department. Any construction, alteration, or addition shall be made in accordance with plans and specifications approved by the Department. The owner, operator or his authorized agent shall certify in writing that the plan documents comply with these regulations.
- b. The Department's approval shall expire at the end of one year, unless the construction, alteration or addition contemplated in the approved plans and specifications is substantially under construction by that time.
- c. If the owner makes any material change to the approved plans and specifications, revised plans and specifications shall be submitted to the Department for review and approval before the work affected by the change begins. Structural changes and minor revisions not affecting health and sanitation are allowed during construction without further approval.

## **REGULATION 3. Reserved**

## **REGULATION 4. Dog Friendly Patio**

In addition to the U.S. Food and Drug Administration 2017 Food Code Rule 6.501.115, no dog shall be allowed on a food establishment premises unless the Department has issued a Dog Friendly Patio Permit to the food establishment. A Dog Friendly Patio Permit shall not be issued unless the food establishment complies with the following conditions and standards:

- a. A separate entrance shall be provided from the exterior of the food establishment to the outdoor patio so that a dog will have direct access to the patio without entering the interior of the food establishment or any playground area of the food establishment. A dog on an outdoor patio shall not be allowed within seven feet of any entrance to the interior of the food establishment, except when necessary to enter or exit the patio.
- b. A sign with at least half inch letters shall be posted at the front entrance of the food establishment so that it is easily visible to the public. The sign shall state: "Dog Friendly Patio - Dog access only through outdoor patio. For violations, contact Maricopa County Environmental Services Department (602) 506-6616."
- c. No food may be prepared, including mixing drinks and serving ice, in the outdoor patio area, except that a beverage glass may be filled from a pitcher or other container that has been filled or otherwise prepared inside the food establishment.

- d. The outdoor patio must be continuously maintained free of visible dog hair, dog dander and other dog-related waste and debris. The outdoor patio shall be hosed down or mopped with animal-friendly chemicals at the beginning of each shift during which food or beverages are served (breakfast, lunch, dinner, or late-hours).

If a food establishment has continuous food or beverage service without designated shifts, then the outdoor patio shall be hosed down or mopped with animal-friendly chemicals every six hours that the food establishment is open for business, except that such cleaning is not required if no dog has been present on the outdoor patio since the last cleaning. Waste created from a dog's bodily functions must be immediately cleaned up with animal-friendly chemicals.

All dog waste shall be placed in a fly-tight container located adjacent to the patio area and disposed of outside of the food establishment in an appropriately covered waste receptacle. Equipment used to clean the outdoor patio must be kept outside of the food establishment.

- e. Employees shall not touch, pet or otherwise handle any dog while serving food or beverages or handling tableware.
- f. All dogs shall be kept on a short leash and remain in the control of the customer at all times while in the outdoor patio area. All dogs shall wear a collar or harness and have a current license.
- g. Dogs shall not be allowed on any seat, chair, a patron's lap, table, countertop, or similar surface in the outdoor patio area.
- h. Dogs shall not be allowed to have any contact with reusable food service dishes or utensils. A dog may only have contact with disposable single service containers that provide food or water to the dog.
- i. All patio surfaces shall be constructed of materials that are smooth, easily cleanable, and durable.
- j. The food service establishment shall comply with all applicable local ordinances and rules.

**REGULATION 5. Gloves, Use Limitation**

- a. Latex gloves may not be used in direct contact with food.



## **REGULATION 6. Micro Markets**

- a. A Micro Market shall be located where access can be limited to employees and customers of the business.
- b. The area of a Micro Market in which food is displayed shall be limited to a space of three hundred (300) square feet or less.
- c. All Micro Market display units offering time/temperature controlled for safety food shall have an automatic control that prevents the equipment from opening:
  1. If there is a power failure, mechanical failure, or other condition that results in an internal equipment temperature that cannot maintain food temperatures as specified under Chapter 3 of the U.S. Food and Drug Administration 2017 Code; and
  2. If a condition specified under subparagraph c.1. of this regulation occurs, until the equipment is serviced and restocked with food that has been maintained at temperatures specified under Chapter 3 of the U.S. Food and Drug Administration 2017 Food Code.
- d. When the automatic shutoff within a display described under paragraph c. of this regulation is activated, the ambient temperature may not exceed 41 degrees Fahrenheit for more than thirty minutes immediately after the display is filled, serviced, or restocked.
- e. Labeling requirements for prepackaged food items shall be met as required by the U.S. Food and Drug Administration 2017 Food Code.
- f. Refrigerated, ready-to-eat, time/temperature controlled for safety food, displayed at a Micro Market, shall be discarded if the automatic shutoff control is activated as specified in c.1. of this regulation.
- g. All Micro Market display units offering time/temperature controlled for safety food shall be equipped with a self-closing door, an automatic shut-off device, and shall comply with all applicable regulations of this code as determined by the Department.
- h. The permit applicant shall submit for review and approval a complete set of plans and specifications documenting the equipment is certified or classified for sanitation by an American National Standards Institute (ANSI)-accredited certification program.

## **REGULATION 7. New Owner Transition**

The Department may grant the new owner of a food establishment approval to operate without a permit so long as the following requirements are met:

- a. The new owner shall apply and receive written approval from the Department prior to operating.
- b. The time between the ownership change and issuance of the required permit to operate shall not exceed 30 days.
- c. The previous owner of the food establishment shall have a valid permit at the time of the ownership change.
- d. The new owner shall agree to immediately cease operations if any of the following occur:
  1. An imminent health hazard such as fire, flood, electrical or water outage, sewage backup, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, gross insanitary occurrence or condition, or other circumstance that may endanger public health.
  2. Evidence of live insect and/or vermin activity.
  3. Missing or inoperable plumbing fixtures essential to facility operations, such as hand sinks and warewashing equipment.
  4. Inadequate supply of hot and cold water.
  5. Insufficient, inadequate, or unapproved food temperature control equipment.
- e. The new owner shall not conduct any food process where a variance or HACCP plan is required in accordance with the U.S. Food and Drug Administration 2017 Food Code §§ 3-502.11, 3-502.12, 8-201.13, 8-201.14 and Subpart 8-103 which has not been issued and/or approved by the Department.
- f. The new owner shall abide by the responsibilities of a permit holder as referenced in the U.S. Food and Drug Administration 2017 Food Code § 8-304.11.

## **REGULATION 8. Farmers' Markets**

- a. The Farmers' Market Coordinator is responsible for submitting a Farmers' Market Coordinator application prior to the opening of the market for the first time and prior to the opening of the farmers' market each season.
- b. The Farmers' Market Coordinator is responsible for providing updated vendor lists to the Department upon request.
- c. A Farmers' Market Coordinator shall be present at the farmers' market during operational hours.
- d. For purposes of this section, an approved temporary hand wash station means an insulated container that is equipped with a minimum 5 gallon capacity and a spigot to allow for the continuous flow of water; an adequate supply of potable water at a minimum temperature of 38°C (100°F); a wastewater container capable of properly retaining wastewater from the hand wash station; and an adequate supply of hand soap and paper towels.

**MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE**

**CHAPTER VIII**

**FOOD, FOOD PRODUCTS,  
FOOD HANDLING ESTABLISHMENTS**

**SECTION 3**

**MOBILE FOOD ESTABLISHMENTS**

**REGULATION 1. Definitions**

- a. “Mobile Food Establishment” means a food establishment that is readily movable and is dispensing food/beverages for immediate service and consumption from any vehicle or other temporary location or facility.

For the purpose of this Environmental Health Code, mobile food establishments are classified as follows:

- (1) “Annual Event Food Establishment” means a food establishment that operates in conjunction with one event that operates for not more than one-hundred twenty (120) consecutive days. Annual Event Food Establishment permits are issued for one (1) year to vendors operating at multiple Department-approved events.
- (2) “Mobile Food Type I” means a food establishment that dispenses commercially processed, individually packaged foods and/or non-time/temperature control for safety (non-TCS) beverages.
- (3) “Mobile Food Type II” means a food establishment that dispenses food that requires limited handling and preparation.
- (4) “Mobile Food Type III” means an enclosed vehicle-mounted food establishment that prepares, cooks, holds and serves food.
- (5) “Seasonal Food Establishment” means a food establishment that operates in conjunction with one event that operates for fifteen (15) to one hundred twenty (120) consecutive days within any permit year.
  - (i) Class 1 - seasonally themed operations in major shopping malls as approved by the Department.
  - (ii) Class 2 - seasonal operations such as spring training, state fair, etc. or as approved by the Department

- (6) “Temporary Food Establishment” means a food establishment that operates in conjunction with one event that operates for fourteen (14) days or less.
  - b. “Event” means a gathering of people for commercial and/or social purposes where food is served, including, but not limited to, a fair, festival, circus, exhibition, carnival, food or drink tasting.
  - c. “Tasting Event” means an event where there may be an entrance fee or invitation that entitles the patron to food service. Food/beverage vendors shall not have point of sales at their individual stations.
  - d. “Commissary” means a food establishment that acts as a base of operation for a mobile food establishment, food vending establishment or an adventure food establishment.
- (1) Class 2 - provides only pre-packaged food items.
  - (2) Class 4 - provides pre-packaged food items and facilities for food preparation.

## **REGULATION 2. Compliance**

- a. Every mobile food establishment shall be operated and maintained in a clean and sanitary condition in compliance with the appropriate parts of this section and with the specific provisions in Chapter VIII, Sections 1 and 2. The Department may impose additional requirements for protection against health hazards related to the conduct of the mobile food establishments, may prohibit the sale or distribution of some or all time/temperature control for safety foods, and when no health hazard will result, may waive or modify requirements of this section.
- b. Mobile Food Type I permits are issued for either six (6) months or one (1) year. The six (6) month Mobile Food Type I permit is half of the one (1) year Mobile Food Type I fee listed in the Chapter I Fee Schedule of this code.
- c. All temporary food establishment and seasonal food establishment permits shall expire at the termination of the event.
- d. The property owner of an event location shall only allow food establishments to operate after they have obtained all Department required permits.

## **REGULATION 3. Permit Required**

- a. No person shall operate a mobile food establishment without a valid permit issued by this Department.
- b. The permit shall be maintained at the operating location.
- c. A separate permit is required for each establishment.

- d. Permits are nontransferable from person-to-person, event-to-event or vehicle-to-vehicle.

#### **REGULATION 4. Approval of Plans Required**

- a. No Mobile Food Type II, Mobile Food Type III, or Annual Event Food Establishment shall be constructed, nor shall any major alteration or addition be made thereto, unless detailed plans and specifications for the establishment have been provided to and approved by the Department.
- b. All construction, alterations, and additions shall be made in accordance with approved plans.
- c. Mobile food establishments that have not been permitted within the last three years may be required to submit plans to the Department for approval.

#### **REGULATION 5. General Requirements**

- a. Compressors, auxiliary engines, generators, and similar mechanical units that are not an integral part of the food preparation or storage equipment shall be installed completely separate from the food preparation and storage areas and accessible from the exterior for all mobile food establishments.
- b. Mobile food establishments shall operate from an approved commissary or other food service establishment as required by this Department, and shall report at least daily to such location for supplies, food storage, vehicle and equipment cleaning, waste disposal, and service operations.
- c. Mobile food establishments shall provide a commissary agreement to the Department upon request, at permit issuance or renewal, and as a part of the documents submitted during plan review for a new permit. Ice cream vendors that only sell or dispense individually packaged, commercially processed items are exempt from providing a commissary agreement.
- d. Mobile food establishments shall provide information about daily operations to the Department. Information such as location, address and business name, time in and time out of each stop shall be provided in a format prescribed by the Department.
- e. Mobile food establishments serving time/temperature control for safety foods shall maintain a log of visits to the approved commissary or food service establishment as required by this Department. This log shall be maintained using a Department approved format and maintained with the establishment at all times. The logs shall be maintained for a period of 30 days and should be available for review by the Department.

- f. Sanitary toilet facilities for use by employees shall be readily available within 200 feet of all mobile food establishments that are operated at the same site for more than a one-hour period.
- g. Temporary toilet facilities shall not be located within 25 feet of any mobile food establishment.
- h. A mobile food establishment shall not be located within 100 feet of any petting, riding or holding area for animals unless dust and runoff are controlled.
- i. When in transit, all closures shall be in place and all food appropriately protected.
- j. All wastewater and grease shall be disposed of in a sanitary manner.

**REGULATION 6. Additional Requirements for Annual Event Food Establishments**

- a. All produce must be purchased commercially pre-washed or be washed in advance at a permitted food establishment/commissary.
- b. All time/temperature control for safety foods shall be prepared on the same day of sale or service. Time/temperature control for safety foods shall not be held over from a previous day's operation unless otherwise approved by the Department.
- c. All food held for consumer self-service shall be wrapped or effectively dispensed to protect from contamination.
- d. Food preparation shall be simplified to reduce excessive steps where food may become contaminated. Excessive steps may include, but are not limited to, cooking overnight without oversight, cooling, or cutting large volumes of food items. This prohibition does not apply to foods that have been prepared or packaged in permanent food establishments or commissaries meeting the requirements of this code.
- e. All annual event food establishments operating at an event greater than 14 days in duration shall operate in conjunction with an onsite commissary or fixed food establishment, unless alternate Department approval is obtained in advance.
- f. When operating at farmers markets, swap meets and recurring school functions the following additional requirements shall be met:
  - (1) The event must have a designated responsible person/coordinator.
  - (2) Food service will generally be limited only to assemble-serve, heat-serve, cook-serve, and/or hold-serve. Approval for limited on-site food assembly may be granted by the Department following application review. All food preparation (breading, chopping, mixing, marinating, etc.) must be accomplished at the food service establishment or commissary.

- g. A self-contained hand washing sink that includes a minimum 5 gallon potable water tank, a 9x9x5” hand washing sink, a minimum flow rate of hot and cold water to the sink basin of one-half (1/2) gallon per minute, and a 15% greater capacity waste tank shall be installed.
- h. Approved ware washing facilities shall be provided for all operations where multi-use utensils are required.
- i. Sufficient potable water shall be available at the establishment for food preparation, cleaning and sanitizing utensils and equipment and for handwashing. A heating facility capable of producing enough hot water for these purposes shall be provided on the premises.
- j. Booth construction shall include a ceiling and three walls (two sides and rear). Walls and ceilings shall be made of wood, canvass or other material that protects the interior of the establishment from the weather and that prevents the entrance of insects. Screening material may be used for wall construction and shall be at least 16 mesh to the inch. When screening material is used, additional wall covering must be maintained on-site in case of inclement weather.
- k. Floor shall be constructed of concrete, machine-laid asphalt, dirt or gravel if it is covered with mats, removable platforms, duckboards, or other suitable approved materials that are effectively treated to control dust or mud.
- l. The Annual Event Food Establishment annual permit fee is the same as the “Seasonal Food Establishment” permit fee, as listed in the Chapter I Fee Schedule of this code.

**REGULATION 7 Additional Requirements for Mobile Food Type I Food Establishments**

- a. Permits shall be issued to the vehicle/receptacle that is used to transport all food and beverage.
- b. The vehicles/receptacles carrying food/beverage products shall be constructed, equipped and maintained as to protect the purity and wholesomeness of the transported products.
- c. The name of the establishment shall be plainly indicated on sides and rear of the exterior of the vehicle in letters of contrasting colors at least three inches high with a minimum of 3/8 inch wide. When more than one permit is issued with the same business name to the same permittee, the vehicle number shall also be plainly indicated with the business name.
- d. If operating away from the permitted vehicle/receptacle, the following requirements shall be met:
  - (1) A permanent sign shall be provided indicating the business name in letters at least



6 inches high and 1 inch wide. The sign shall be visible to the consumer and shall be in addition to the signs used on the vehicle.

- (2) The original permit card shall be present at the stand or booth.
  - (3) An approved hand washing station shall be present at the stand or booth, if selling or dispensing any open food or beverage items.
  - (4) The permitted vehicle/receptacle shall be located on the premises.
- e. All packaged frozen foods shall be maintained frozen and sold or offered for sale to consumers frozen.
- f. No cooking, preparation or assembly of foods is allowed.
- g. Sampling may be conducted provided the following requirements are met:
- (1) The Department shall approve, in writing, the procedures used by any mobile food establishment for providing samples to the consumer.
  - (2) Food sampling is limited to those food and beverages that require limited preparation. No cooking or extensive preparation is allowed.
  - (3) Only limited quantities of sampled product may be ready for sampling at any given time.
  - (4) All food products that have not been sampled at the end of the business day shall be discarded.
  - (5) Each sample shall be prepared by the operator and handed to the customer, or the samples shall be placed in single service containers for self service. The operator shall take measures to prevent contamination of the food. Bulk dispensing is prohibited for sampling.
  - (6) Only single service utensils and containers shall be used for preparing samples. Single service items shall not be reused.
  - (7) A readily accessible lined waste container for the disposal of used single service items and other waste products shall be provided.
  - (8) Hand washing facilities shall be setup at all times when any open food or beverage product is handled, served or sampled.
  - (9) Hand washing facilities shall include the following at a minimum: 5 gallon insulated container with a free/continuous flowing spigot for potable water; water at a temperature of at least 38°c (100°f), 5.75 gallon container to hold wastewater,

soap, and paper towels.

(10) All wastewater shall be disposed of in a sanitary manner.

**REGULATION 8. Additional Requirements for Mobile Food Type II Food Establishments**

- a. Limited handling and preparation includes assemble-serve, heat-serve, and/or hold-serve of commercially processed food/beverage items. No raw animal food shall be prepared for service from the cart without a food production permit or equivalent.
- b. All produce must be purchased commercially pre-washed or be washed in advance at a permitted food establishment/commissary.
- c. All time/temperature control for safety foods shall be prepared on the same day of sale or service. Time/temperature control for safety foods shall not be held over from a previous day's operation unless otherwise approved by the Department.
- d. All food held for consumer self-service shall be wrapped or effectively dispensed to protect from contamination.
- e. The name of the establishment shall be plainly indicated on sides and rear of the exterior of the vehicle in letters of contrasting colors at least three inches high with a minimum of 3/8 inch wide. When more than one permit is issued with the same business name to the same permittee, the vehicle number shall also be plainly indicated with the business name.
- f. The main food equipment and hand wash sink required for the operation of Mobile Food Type II food establishments shall be affixed together so as to be a single contiguous mobile unit.
- g. If an enclosed vehicle is utilized, the following requirements shall be met:
  - (1) The cab or driving portion of the vehicle shall be separated from the food preparation and serving area of the vehicle by a permanent solid wall partition or a door. If a screen door is installed, a minimum 16 mesh per square inch is required.
  - (2) Interior walls and ceilings shall be light in color.
  - (3) Doors to the food preparation and serving area shall be effectively self-closing and kept closed.
- h. A permanently installed self-contained hand washing sink that includes a minimum 5 gallon potable water tank, a 9x9x5" hand washing sink, a minimum flow rate of hot and cold water to the sink basin of one-half (1/2) gallon per minute, and 15% greater capacity waste tank shall be installed.

- i. A 3-compartment sink for the purpose of washing and sanitation may be installed provided the following requirements are met:
  - (1) A potable water system under pressure, supplying hot and cold water, with a minimum capacity of 30 gallons shall be permanently installed for utensil washing and sanitization, and handwashing.
  - (2) A minimum flow rate of one-half (1/2) gallon per minute shall be provided.
  - (3) Water at a temperature of at least 38°C (100°F) shall be provided through a mixing faucet.
  - (4) Each compartment of the sink shall have a capacity of 6 gallons.
  - (5) Two-integral metal drain boards shall be permanently affixed that are the same depth as the 3-compartment sink and 144 square inches.
- j. The water tank inlet shall be:
  - (1) 9.1 mm (three-fourths inch) in inner diameter or less; and
  - (2) Provided with a hose connection of a size or type that will prevent its use for any other service.
- k. A sewage holding tank shall be:
  - (1) Sized 15 percent larger in capacity than the water supply tank; and
  - (2) Sloped to a drain that is 25 mm (1 inch) in inner diameter or greater, equipped with a shut-off valve.
- l. Connections to water or wastewater systems are not approved except during servicing operations at a commissary or as approved by the Department.
- m. All water tanks, pumps and hoses shall be flushed and sanitized before being placed in service after construction, repair, modification, and periods of nonuse longer than 7 days. Potable water tanks shall be flushed and sanitized monthly.
- n. Wastewater holding tanks shall be emptied into an approved sewage disposal system.
- o. An approved food grade potable water hose shall be available for the sole purpose of filling the fresh water tank.

## **REGULATION 9 Additional Requirements for Mobile Food Type III Food Establishments**

- a. All produce must be purchased commercially pre-washed or be washed in advance at a permitted food establishment/commissary. Produce may not be washed in the mobile food establishment unless an approved prep sink has been installed.
- b. All time/temperature control for safety foods shall be prepared on the same day of sale or service. Time/temperature control for safety foods shall not be held over from a previous day's operation unless otherwise approved by the Department.
- c. All food held for consumer self-service shall be wrapped or effectively dispensed to protect from contamination.
- d. Food preparation shall be simplified to reduce excessive steps where food may become contaminated. Excessive steps may include, but are not limited to, cooking overnight without oversight, cooling, or cutting large volumes of food items. This prohibition does not apply to foods that have been prepared or packaged in permanent food establishments or commissaries meeting the requirements of this code.
- e. All cooking, processing, preparing, grilling, assembly, storage, and service of any food or beverage shall be conducted inside the permitted vehicle.
- f. The name of the establishment shall be plainly indicated on sides and rear of the exterior of the vehicle in letters of contrasting colors at least three inches high with a minimum of 3/8 inch wide. When more than one permit is issued with the same business name to the same permittee, the vehicle number shall also be plainly indicated with the business name.
- g. All openings shall meet the following requirements:
  - (1) Openings shall be limited to 324 square inches each and equipped with a screen (16 mesh per square inch minimum) or solid door which shall be kept closed when not in use.
  - (2) Multiple openings shall be at least 18 inches apart.
- h. The cab or driving portion of the vehicle shall be separated from the food preparation and serving area of the vehicle by a permanent solid wall partition or a door. If a screen door is installed, a minimum 16 mesh per square inch is required.
- i. Doors to the food preparation and serving area shall be effectively self-closing and kept closed.
- j. Interior walls and ceilings shall be light in color.
- k. A potable water system under pressure, supplying hot and cold water, with a minimum

capacity of 30 gallons, shall be permanently installed for utensil washing/sanitization and handwashing.

- l. The installation of a prep-sink for the purpose of produce washing only may be allowed provided that an additional 20 gallons of potable water is available for use.
- m. A 9x9x5" hand washing sink shall be permanently installed.
- n. A 3-compartment sink for the purpose of washing and sanitation shall be installed meeting the following requirements:
  - (1) A minimum flow rate of one-half (1/2) gallon per minute shall be provided.
  - (2) Water at a temperature of at least 38°C (100°F) shall be provided through a mixing faucet.
  - (3) Each compartment shall have a capacity of 6 gallons.
  - (4) Two integral metal drain boards shall be permanently affixed that are the same depth as the 3-compartment sink.
- o. The water tank inlet shall be:
  - (1) 19.1 mm (three-fourths inch) in inner diameter or less; and
  - (2) Provided with a hose connection of a size or type that will prevent its use for any other service.
- p. A sewage holding tank shall be:
  - (1) Sized 15 percent larger in capacity than the water supply tank; and
  - (2) Sloped to a drain that is 25 mm (1 inch) in inner diameter or greater, equipped with a shut-off valve.
- q. Mobile food establishments shall not connect to water or wastewater systems except during servicing operations at a commissary or as approved by the Department.
- r. All water tanks, pumps and hoses shall be flushed and sanitized before being placed in service after construction, repair, modification, and periods of nonuse longer than 7 days. Potable water tanks shall be flushed and sanitized monthly.
- s. Wastewater holding tanks shall be emptied into an approved sewage disposal system.
- t. An approved food grade potable water hose shall be available for the sole purpose of filling the fresh water tank.

## **REGULATION 10. Additional Requirements for Seasonal Food Establishments**

- a. All seasonal food establishments operating at an event greater than 14 days shall operate in conjunction with an onsite commissary or a fixed food establishment, unless alternate Department approval is obtained in advance.
- b. All produce must be purchased commercially pre-washed or be washed in advance at a permitted food establishment/commissary.
- c. All time/temperature control for safety foods shall be prepared on the same day of sale or service. Time/temperature control for safety foods shall not be held over from a previous day's operation unless otherwise approved by the Department.
- d. All food held for consumer self-service shall be wrapped or effectively dispensed to protect from contamination.
- e. Food preparation shall be simplified to reduce excessive steps where food may become contaminated. Excessive steps may include, but are not limited to, cooking overnight without oversight, cooling, or cutting large volumes of food items. This prohibition does not apply to foods that have been prepared or packaged in permanent food establishments or commissaries meeting the requirements of this code.
- f. A convenient, easily accessible, and approved hand washing facility shall be located within 25 feet of all food service areas and available for employee hand washing.
- g. Hand washing facilities shall include the following at a minimum: 5 gallon insulated container with a free/continuous flowing spigot for potable water; water at a temperature of at least 38°C (100°F), 5.75 gallon container to hold wastewater, soap, and paper towels. Enough potable water shall be available in the establishment for food preparation, cleaning and sanitizing utensils and equipment and for handwashing. A heating facility capable of producing enough hot water for these purposes shall be provided on the premises.
- h. Approved ware washing facilities shall be provided for all operations where multi-use utensils are required.
- i. Sufficient potable water shall be available in the establishment for food preparation, cleaning and sanitizing utensils and equipment and for handwashing. A heating facility capable of producing enough hot water for these purposes shall be provided on the premises.
- j. Booth construction shall include a ceiling and three walls (two sides and rear). Walls and ceilings shall be made of wood, canvas or other material that protects the interior of the establishment from the weather and that prevents the entrance of insects. Screening material may be used for wall construction and shall be at least 16 mesh to the inch.

When screening material is used, additional wall covering must be maintained on-site in case of inclement weather.

- k. Floor shall be constructed of concrete, machine-laid asphalt, dirt or gravel if it is covered with mats, removable platforms, duckboards, or other suitable approved materials that are effectively treated to control dust or mud.

#### **REGULATION 11. Additional Requirements for Temporary Food Establishments**

- a. All produce must be purchased commercially pre-washed or be washed in advance at a permitted food establishment/commissary.
- b. All time/temperature control for safety foods shall be prepared on the same day of sale or service. Time/temperature control for safety foods shall not be held over from a previous day's operation unless otherwise approved by the Department.
- c. All food held for consumer self-service shall be wrapped or effectively dispensed to protect from contamination.
- d. Food preparation shall be simplified to reduce excessive steps where food may become contaminated. Excessive steps may include, but are not limited to, cooking overnight without oversight, cooling, or cutting large volumes of food items. This prohibition does not apply to foods that have been prepared or packaged in permanent food establishments or commissaries meeting the requirements of this code.
- e. Only limited food preparation, cooking and reheating of prepared foods are allowed at the event, all other food preparation shall take place at an approved commissary or fixed food establishment, unless an alternate Department approval is obtained.
- f. A convenient, easily accessible, and approved hand washing facility shall be located within 25 feet of all food service areas and available for employee hand washing.
- g. Hand washing facilities shall include the following at a minimum: 5 gallon insulated container with a free/continuous flowing spigot for potable water; water at a temperature of at least 38°c (100°f), 5.75 gallon container to hold wastewater, soap, and paper towels.
- h. Approved ware washing facilities shall be provided for all operations where multi-use utensils are required.
- i. Booth construction shall include a ceiling and three walls (two sides and rear). Walls and ceilings shall be made of wood, canvass or other material that protects the interior of the establishment from the weather and that prevents the entrance of insects. Screening material may be used for wall construction and shall be at least 16 mesh to the inch. When screening material is used, additional wall covering must be maintained on-site in case of inclement weather.

- j. Floor shall be constructed of concrete, machine-laid asphalt, dirt or gravel if it is covered with mats, removable platforms, duckboards, or other suitable approved materials that are effectively treated to control dust or mud.

### **REGULATION 12. Additional Requirements for Tasting Events**

Tasting events may include, but are not limited to, promotional events, tasting events, competition events, conventions, and trade shows. The following requirements must be met for tasting events:

- a. The coordinator of the event is responsible for obtaining permits to operate and ensuring all tasting booths are properly equipped and set up before workers handle open foods/beverages.
- b. Temporary food establishment or seasonal food establishment permits will be issued for vendors operating at tasting events. All vendors shall comply with the requirements set forth in this section that is applicable to the permit type that has been issued.

### **REGULATION 13. Additional Requirements for Commissary Permits**

- a. All establishments providing commissary services must provide facilities for the storage of food, food containers or food supplies. When food preparation is conducted, the commissary must provide equipment for the cleaning and sanitizing of food service equipment, utensils and dishware. These facilities must also provide for the sanitary disposal of liquid waste; handling and disposal of garbage, grease, and rubbish originating from mobile food establishments; and facilities for filling the potable water holding tank.
- b. Those commissaries with an outdoor servicing area shall include an adequate area (facilities) for washing and storage of the mobile food establishment; and sufficient electrical outlets.
- c. The commissary owner must provide each permittee, who is using the facilities for food preparation with a designated and labeled space for the storage of supplies and dry goods. All time/temperature control for safety foods stored by a permittee must also have a designated and labeled location in the refrigeration unit provided by the commissary owner. The commissary owner must be able to provide access to all areas upon request by the Department.



# MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

## CHAPTER VIII

### FOOD, FOOD PRODUCTS, FOOD HANDLING ESTABLISHMENTS

#### SECTION 4

#### VENDING MACHINES

In addition to complying with the regulations in section 1 and 2 of this Chapter, vending machine operations shall comply with the following regulations.

#### **REGULATION 1. Permit, Plan Review and Commissary Required**

- a. No person shall operate a potentially hazardous food (time/temperature control for safety food) or water vending machine without holding a valid permit to do so from the Department.
- b. The applicant for a permit shall provide a letter of certification from NAMA (National Automatic Merchandizing Association), or submit for review and approval a complete set of plans and specifications documenting the equipment is NSF/ANSI approved, which show compliance with the regulations in this Environmental Health Code for each type of vending machine proposed to be used. No potentially hazardous food (time/temperature control for safety food) or water vending machine shall be placed into service without review and approval from the Department, except as provided in Subparagraph (c), below.
- c. The following are exempt from the requirement to obtain a permit to operate vending machines but shall comply with all pertinent regulations in this code:
  - (1) Vending machines operated and maintained as a part of, and on the premises of, and under the control of the holder of an eating and drinking food establishment permit;
  - (2) Vending machines that dispense only non-potentially hazardous foods; and
  - (3) Dry type beverage vending machines dispensing bottled or metal can single-service containers.
- d. Every permit holder of a vending permit shall designate and use an approved commissary for all food storage. Permit holders that operate their own commissary shall obtain the appropriate permit for that food establishment. Water vending machines do not require a commissary.

## **REGUALTION 2. Permit Display and Necessary Information**

- a. A permanent sign, visible to consumers, showing the permit number assigned by the Department to the permit holder, the permit holder's business name, a unique identifier assigned to the machine by the permit holder, and a telephone number consumers may use to contact the permit holder, of an approved size and style, shall be permanently and conspicuously affixed to each vending machine used by the permit holder.
- b. The permit holder shall maintain a current list of machines by location, if applicable, of all potentially hazardous food (time/temperature control for safety food) and water vending machines under permit. The lists shall provide the unique identifiers and locations for all machines, frequency of service, type of machine (hot, cold, frozen, water, bulk), and the permitted commissary or other establishments from which machines are serviced. This information shall be provided to the Department upon request.
- c. The permit holder shall notify the Department whenever adding new types of vending machines, or conversion of existing machines to dispense potentially hazardous foods (time/temperature control for safety food) other than those for which the permit was issued. Plan review, as stated in Regulation 2., may be required.

## **REGULATION 3. Sanitation, Packaging, and Dispensing**

- a. All foods, beverages and ingredients offered for sale through vending machines, shall be wholesome, free from spoilage, contamination, misbranding, and adulteration; shall be stored or packaged in clean protective containers; and shall be handled, transported and dispensed in a sanitary manner. Fruit shall be washed at a permitted commissary to remove soil and pesticides insecticides, or other chemicals, and allowed to air dry.
- b. Condiments provided in conjunction with food dispensed by a vending machine shall be packaged in individual portions or shall be dispensed from approved sanitary dispensers.
- c. Potentially hazardous foods (time/temperature control for safety food) offered for sale through vending machines shall be dispensed to the consumer in the individual original container or wrapper in which it was placed or such products shall be dispensed into single-service containers. Where potentially hazardous foods (time/temperature control for safety food) are dispensed, bulk supplies of such foods, beverages or ingredients shall be transferred only to a bulk vending machine in which all food contact surfaces have been cleaned and subjected to an effective sanitization process.

- d. Vending machines that hold and vend refrigerated individually pre-wrapped potentially hazardous food (time/temperature control for safety food) shall bear a “sell by” date positioned on the top or front of the food container.
- e. “Sell by” dates shall be legible and plainly presented (month, date, and year) to the consumer. No food may be re-wrapped or re-dated once placed for sale in a vending machine.

#### **REGULATION 4. Vending Machines, Automatic Shutoff**

- a. Refer to the U.S. Food and Drug Administration 2017 Food Code, § 4-204.111, adopted by reference.

#### **REGULATION 5. Sampling**

Samples of food, beverage, water, or ingredient thereof shall be taken and examined by or as required by the Department as often as necessary to determine its wholesomeness and freedom from adulteration or misbranding.

#### **REGULATION 6. Cleaning of Equipment**

- a. All multi-use food contact surface parts of vending machines, which come into direct contact with any non-packaged food, beverage, or food ingredient shall be thoroughly cleaned and undergo a sanitization process at the permitted commissary at intervals prescribed by equipment manufacturers or as frequently as necessary to prevent food contamination, and shall be kept clean.
- b. A record of such cleaning and sanitizing operations shall be maintained by the permit holder for each machine and shall be retained for 30 days.
- c. Microwave ovens provided by the permit holder for consumer use at a vending machine location shall be cleaned each time the vending machines at that vending machine location are serviced.

#### **REGULATION 7. Single-Service Containers**

All single-service containers, used to receive food or beverage in bulk from vending machines shall be kept in sanitary cartons or packages which protect the containers from contamination, stored in a clean dry place until used and handled in a sanitary manner. Containers shall be stored in the original carton or package in which they were placed at the point of manufacture until introduced into the container magazine or dispenser of the vending machine. Single-service containers stored within the vending machine shall be protected from manual contact, dust, insects, rodents, and other contamination.

## **REGULATION 8. Protection and Ease of Cleaning**

- a. Each vending machine location shall be kept clean.
- b. Unless a vending machine is sealed to the floor so as to prevent seepage underneath, or can be manually moved with ease one or more of the following provisions shall be utilized to facilitate cleaning operations:
  - (1) The machine shall be mounted on legs six or more inches in height above the floor, or four inches above a counter top; or
  - (2) The machine shall be mounted on casters or rollers; or
  - (3) The machine shall be mounted on gliders, which permit it to be moved easily.
- c. The floor area upon which vending machines are located shall be smooth, of cleanable construction and capable of withstanding repeated cleaning.
- d. Adequate hand washing facilities, including hot and cold or tempered running water, soap, single-use gloves, and individual sanitary towels, shall be conveniently located for use by food employees servicing or loading bulk food machines.

## **REGULATION 9. Sturdy Construction and Design**

- a. Refer to the U.S. Food and Drug Administration 2017 Food Code, § 4-204.123, adopted by reference.

## **REGULATION 10. Condensing Units**

- a. Refer to the U.S. Food and Drug Administration 2017 Food Code, § 4-204.18, adopted by reference.

## **REGULATION 11. Service Connections**

- a. Refer to the U.S. Food and Drug Administration 2017 Food Code, § 4-204.123, adopted by reference.

## **REGULATION 12. Non-Food Contact Surfaces**

Non-food contact surfaces of the interior of vending machines shall be designed and constructed to permit easy cleaning, and to facilitate maintenance operations.

### **REGULATION 13. Food Contact Surfaces**

Food contact surfaces of vending machines shall be smooth, in good repair and free of breaks, corrosion, open seams, cracks, and chipped places. The design of such surfaces shall preclude routine contact between food and V-type threaded surfaces. All joints and welds in food contact surfaces shall be smooth; and all internal angles and corners of such surfaces shall be rounded to facilitate cleaning. All containers, valves, fittings, chutes, and faucets that are in contact with food or beverage shall be easily and readily removable and so fabricated as to be easily disassembled and when disassembled, all surfaces shall be visible for inspection and cleaning.

- a. In machines of such design that food contact surfaces such as pipes or tubing are not readily removable, CIP (cleaning-in-place) of such pipes and pipe fittings may be permitted; provided,
  - (1) They are so arranged that a detergent solution, water rinse, and sanitizing solution can be circulated throughout the fixed system,
  - (2) Such solutions will contact all interior surfaces,
  - (3) The system is self-draining or otherwise completely rinsed and evacuated, and
  - (4) The procedures result in thorough cleaning and sanitization of the equipment.

### **REGULATION 14. Covers and Openings**

The openings into all nonpressurized containers used for the storage of foods and ingredients, including water, shall be provided with covers, which prevent contamination from reaching the interior of containers. Such covers shall be designed to provide a flange, which overlaps the opening, and shall be sloped to provide drainage away from the cover surface. Concave covers or cover areas are prohibited. Any port opening through the cover shall be flanged upward at least 3/8" and shall be provided with a cover that overlaps the flange. Condensation or drip-deflecting aprons shall be provided on all piping, thermometers, equipment, rotary shafts and other functional parts extending into the container, unless a water-tight joint is provided. Such aprons shall be considered as satisfactory covers for those openings, which are in continuous use. Gaskets, if used, shall be of a material, which is nontoxic, stable and nonabsorbent, and shall have a smooth surface. All gasket retaining grooves shall be readily cleanable.

### **REGULATION 15. Dispensing Equipment, Protection of Equipment and Food.**

- a. Refer to the U.S. Food and Drug Administration 2017 Food Code, § 4-204.13, adopted by reference.

## **REGULATION 16. Food Storage Compartment**

Every food storage compartment within vending machines dispensing packaged liquid foods shall be self-draining or shall be provided with a drain outlet, which permits complete draining of the compartment or diversion devices and retention pans. All such drains shall be easily cleanable.

## **REGULATION 17. Container Opening Devices**

- a. Refer to the U.S. Food and Drug Administration 2017 FDA Food Code, Regulation 4-204.19, adopted by reference.

## **REGULATION 18. Water Standards**

- a. Water used in or dispensed from vending machines shall be of a safe and sanitary quality, and from an approved source. Water used as a product ingredient shall be piped into the vending machine under pressure. Such machines shall be equipped with an approved pressure type backflow prevention device and all connections and fittings shall be installed in accordance with applicable plumbing regulations. Containers for the storage of water shall be designed and maintained as food contact surfaces.
- b. External water fill ports or drawers of vending machines shall be designed so that covers and drawers are secured to the machine. Where unauthorized persons may have access to these ports or drawers, external fill port covers or drawers shall be equipped with locks or similar safeguards.

## **REGULATION 19. Water Filters**

Water filters and other water conditioning devices shall be of a type, which may be disassembled for periodic cleaning and replacement. Replacement elements shall be handled in a sanitary manner.

## **REGULATION 20. Carbonated Water**

- a. If used, water filters or other water conditioning devices shall be of a type which may be disassembled for periodic cleaning or replacement of the active element. Replacement elements shall be handled in a sanitary manner.
- b. To prevent leaching of toxic materials caused by possible interaction of carbonated water with piping and contact surfaces, post-mix soft drink vending machines, which are designed with an incoming water supply air gap shall have no copper tubing or other potentially toxic water system

tubing between the air gap and the downstream, carbonated water dispensing nozzle.

- c. To prevent leaching of toxic materials caused by possible interaction of carbonated water with piping and contact surfaces, post-mix soft drink vending machines, which are directly connected to the external water supply system shall be equipped with a double (or two single) check valves and a vented valve or similar backflow preventer immediately upstream from the carbonator, with no copper tubing or other potentially toxic tubing or contact surfaces in or downstream from the check and vented valves.
- d. In all vending machines in which carbon dioxide is used as a propellant, all food-contact surfaces from the check valves or other protective devices, including the valves or devices, shall be of such material as to preclude the production of toxic substances which might result from interaction with carbon dioxide or carbonated water.

#### **REGULATION 21. Check Valves**

Where check valves are used for the protection of the water supply, a screen of not less than 100 mesh to the inch shall be installed in the water supply line immediately upstream from the check valves in a location which permits for servicing or replacement.

#### **REGULATION 22. Storage and Removal of Waste**

- a. Trash or other waste materials shall be removed from the vending machine location as frequently as necessary to prevent a public health nuisance and shall be disposed of in an approved manner.
- b. Self-closing, leak-proof, readily cleanable, plainly labeled, and designated waste container or containers shall be provided in the vicinity of each machine or machines to receive used cups, cartons, wrappers, straws, closures, and other single-service items. Such waste containers shall not be located within the vending machine; provided, that an exception may be made for machines dispensing only packaged beverages with crown closures.
- c. Suitable racks or cases shall be provided for multi-use containers or bottles.

#### **REGULATION 23. Vending Machines, Liquid Waste Products.**

- a. Refer to the U.S. Food and Drug Administration 2017 FDA Food Code, Regulation 4-204.121, adopted by reference.

#### **REGULATION 24. Protection While In Transit**

Food, beverages, or ingredients while in transit to vending machine locations shall be protected from the elements, dirt, dust, and insects, rodents, and other contamination. Similar protection shall be provided for single-service containers and for food contact surfaces of equipment, containers and devices in transit to vending machine locations.

#### **REGULATION 25. Temperature While Delivering**

Potentially hazardous foods (time/temperature control for safety food) or beverages, while in transit to vending machine locations shall be maintained at a temperature of not more than 5°C. (41°F.) or at a temperature not less than 57°C. (135°F.), whichever is applicable.

#### **REGULATION 26. Sanitary Standards for Food Employees**

- a. Refer to the U.S. Food and Drug Administration 2017 FDA Food Code, Regulation 3-301.12 and 3-301.11, adopted by reference.

#### **REGULATION 27. Water Vending Machines**

- a. Water supplied to a vending machine shall be from an approved source. Water dispensed from water vending machines shall meet or exceed Federal and State Drinking Water Standards.
- b. Samples shall be periodically taken from each water vending machine by the permit holder, but no less than once every 12 months, and provided to a laboratory certified by the State of Arizona for analysis to detect coliform bacteria. If laboratory results are unsatisfactory, machine shall be taken out of service, the Department shall be notified and the machine will not be put back into service until such time as satisfactory sampling results are provided to the Department. Records of the results of laboratory analysis of periodic samples and any subsequent samples necessary because of unsatisfactory results shall be maintained for two years by the permit holder and shall be made available to the Department upon request.
- c. Physical requirements for approved machines:
  - (1) The outlet nozzle shall be isolated in such a manner as to deny the consumer access to the nozzle.
  - (2) Provisions shall be made to deactivate the machine and prevent further vending if any malfunction occurs within the machine or if resistance across the filters reaches a predetermined pressure beyond which the filter is no longer effective.



- (3) A self-closing, tight-fitting door shall be installed on the vending compartment.
  - (4) A backflow preventing device shall be installed on the incoming water line. All connections and fittings shall be installed in accordance with applicable plumbing regulations and codes.
  - (5) Water vending machines equipped with ultraviolet sanitizing attachments shall be equipped with monitoring devices so designed as to shut down the operation of the machine when the ultraviolet unit fails to function.
- d. False or misleading statements or claims on water vending machines are prohibited. Labeling shall include the statement, "This machine is connected to an approved public water supply which meets federal and state drinking water standards." Labeling shall also include a statement of any substances and/or preservatives added to the water and all major treatment processes applied thereto.

**MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE**

**CHAPTER VIII**

**FOOD, FOOD PRODUCTS,  
FOOD HANDLING ESTABLISHMENTS**

**SECTION 5**

**MEAT ESTABLISHMENTS**

**REGULATION 1. Definitions**

“Meat Establishment” means a store or shop at the retail level in which meat, meat products, fish, poultry, game animal, or molluscan shellfish are processed, prepared, stored, sold, or offered for sale. Preparation by means of cooking shall be limited to the production of meat, meat products, fish, poultry, game animal, and molluscan shellfish for consumption off the premises.

**REGULATION 2. Permits Required**

No person shall operate a meat establishment without obtaining and holding a valid permit to do so from the Department.

**REGULATION 3. General**

- a. All meat, meat products, fish, poultry, game animal, and molluscan shellfish shall be considered a food as defined in Chapter VIII, Section 1, Regulation 1.
- b. Live slaughter of animals, fish and/or birds shall not be conducted without a variance from this Department.
- c. Meat establishments shall comply with the regulations in Sections 1 and 2 of this Chapter.
- d. All processing of raw meat, meat products, fish, poultry, game animal, or molluscan shellfish shall be spatially or temporally separated from areas where ready-to-eat food products and/or food service equipment are stored, prepared or held for service.
- e. All meat, meat products fish, poultry, game animal, and molluscan shellfish shall be from a source approved by the appropriate jurisdiction, e.g., Arizona Department of Agriculture, Animal Service Division. The Department reserves the right to disapprove meat or meat products from uninspected sources.
- f. Meat, meat products, fish, poultry, game animal, or molluscan shellfish shall not be labeled or represented in a manner which is in conflict with the Arizona Department

Of Agriculture, Animal Service Division, meat and poultry inspection requirements or which would misrepresent the item to the consumer.

#### **REGULATION 4. Refrigeration; Packaging; Transportation**

- a. The temperature of meat, meat products, fish, poultry, game animal, or molluscan shellfish requiring refrigeration shall not exceed 41°F. at any time. Frozen products shall be maintained at a temperature of not more than 0°F.
- b. All refrigerators, walk-in boxes, showcases, freezers and vehicles must be equipped with properly located, easily readable thermometers which are accurate within ( $\pm 2^\circ\text{F}$ .) two degrees Fahrenheit.
- c. All trucks used for the delivery of meat, meat products, fish, poultry, game animal, or molluscan shellfish to a retail meat establishment shall be completely enclosed and shall be refrigerated so that the temperature of the products being transported shall not rise above 41°F. at any time. All meat, meat products, fish, poultry, wild game, or molluscan shellfish shall be transported in a manner that avoids exposure to dust, dirt, filth, or other deleterious substances. No meat or meat products, fish, poultry, game animal, or molluscan shellfish shall be laid directly on the floor of any truck.

#### **REGULATION 5. Processed Meat and Meat Food Product Requirements for Meat Establishments**

- a. Miscellaneous raw beef products
  - (1) Chopped beef, ground beef. “Chopped Beef” or “Ground Beef” shall consist of chopped fresh and/or frozen beef with or without seasoning and without the addition of beef fat as such, shall not contain more than 30% fat, and shall not contain added water, binders, or extenders. When beef, cheek meat (trimmed beef cheeks) is used, in the preparation of chopped or ground beef, the amount of such cheek meat shall be limited to 25%, and if in excess of natural proportions its presence shall be declared on the label in the ingredient statement, and contiguous to the name of the product.
  - (2) Hamburger. “Hamburger” shall consist of chopped fresh and/or frozen beef with or without the addition of beef fat as such and/or seasoning, shall not contain more than 30% fat, and shall not contain added water, binders, or extenders. Beef cheek meat (trimmed beef cheeks) may be used in the preparation of hamburger only in accordance with the conditions prescribed in Paragraph (1) of this Section.
  - (3) Beef patties. “Beef patties” shall consist of chopped fresh and/or frozen beef with or without the addition of beef fat as such and/or seasonings. 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’s

characteristics are essentially that of a meat patty. These products must have an ingredient statement with all products used in order of predominance as in Paragraph f.

- (4) Fabricated steak. Fabricated beef steaks, veal steaks, beef and veal steaks, or veal and beef steaks, and similar products, such as those labeled “Beef Steak, Chopped, Shaped, Frozen”, “Minute Steak, Formed, Wafer Sliced, Frozen”, “Veal Steaks, Beef Added, Chopped-Molded-Cubed-Frozen, Hydrolyzed Plant Protein, and Flavoring” shall be prepared by comminuting and forming the product from fresh and/or frozen meat, with or without added fat, of the species indicated on the label. Such products shall not contain more than 30% fat and shall not contain added water, binders or extenders. Beef cheek meat (trimmed beef cheeks) may be used in the preparation of fabricated beef steaks only in accordance with the conditions prescribed in Paragraph (1) of this section.
- b. Fresh pork sausage. “Fresh pork sausage” is sausage prepared with fresh pork or frozen pork, or both, not including pork byproducts, and may be seasoned with condimental substances. It shall not be made with any lot of product which, in the aggregate, contains more than 50% trimmable fat, that is fat which can be removed by thorough, practicable trimming and sorting. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed 3% of the total ingredients used.
- c. Chorizo. Pork must be treated to destroy trichinae or use certified pork. If total added moisture is more than 3% the product must be labeled “Imitation”.
- d. Fresh beef sausage. “Fresh beef sausage” is sausage prepared with fresh beef or frozen beef, or both, not including beef byproducts, and may be seasoned with condimental substances. The finished products shall not contain more than 30% fat. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed 3% of the total ingredients used.
- e. Breakfast sausage. “Breakfast sausage” is sausage prepared with fresh and/or frozen meat, or meat and meat byproducts and may be seasoned with condimental substances. It shall not be made with any lot of products which, in the aggregate, contains more than 50% fat which can be removed by thorough practicable trimming and sorting. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed 3% of the total ingredients used. Extenders or binders are limited to 3 1/2% of the finished sausage.
- f. Pork products. All products with pork as an ingredient, except those customarily well cooked in the home, must be treated for the control of

trichinae. These products include all cooked and smoked sausage and pork products that may appear to be cooked. The treatment consists of heating to a minimum internal temperature of 137°F., or freezing as set forth in the following chart.

<u>Temperatures °F.</u>	Packages or pieces not over 6" in thickness	Not over 27" in thickness
	<u>Group 1 (days)</u>	<u>Group 2 (days)</u>
5	20	30
--10	10	20
--20	6	12

g. Cooked sausage. Frankfurter, frank, furter, hotdog, wiener, vienna, bologna, garlic bologna, knockwurst, and similar products.

(1) Frankfurter, frank, furter, hotdog, wiener, vienna, bologna, garlic bologna, knockwurst, and similar cooked sausages are comminuted, semi-solid sausages prepared from one or more kinds of raw skeletal muscle meat or raw skeletal muscle and raw or cooked poultry meat, and seasoned and cured, using one or more curing agents. They may or may not be smoked. The finished products shall not contain more than 30% fat. Water or ice, or both, may be used to facilitate chopping or mixing, or to dissolve the curing ingredients, but the sausage shall not contain more than 10% of added water. These sausage products may contain uncooked, cured pork from primal parts, which do not contain any phosphates. Such products may contain raw or cooked poultry meat not in excess of 15% of the total ingredients, excluding water, in the sausage. Such poultry meat ingredients shall be designated in the ingredient statement on the label of such sausage.

(2) Frankfurter, frank, furter, hotdog, wiener, vienna, bologna, garlic bologna, knockwurst, and similar cooked sausage that are labeled with the phrase "with byproducts" or "with variety meats" in the product name are comminuted, semi-solid sausages consisting of not less than 15% of one or more kinds of raw skeletal muscle meat with raw meat byproducts, or not less than 15% of one or more kinds of raw skeletal muscle meat with raw meat byproducts and raw or cooked poultry products; and seasoned and cured. They may or may not be smoked. Partially defatted pork fatty tissue or partially defatted beef fatty tissue, or a combination of both, may be used in an amount not exceeding 15% of the meat and meat byproducts or meat, meat byproducts and poultry products ingredients. The finished products shall not contain more than 30 percent fat. Water or ice, or both, may be used to facilitate chopping or mixing or to dissolve the curing and seasoning ingredients, but the sausage shall contain no

more than 10 percent of added water. These sausage products may contain uncooked, cured pork, which does not contain any phosphates, or contain only approved phosphates. These sausage products may contain poultry products, individually or in combination, not in excess of 15% of the total ingredients, excluding water, in the sausage. Such poultry products shall not contain kidneys or sex glands. The amount of poultry skin present in the sausage must not exceed the natural proportion of skin present on the whole carcass of the kind of poultry used in the sausage. The poultry products used in the sausage shall be designated in the ingredient statement on the label of such sausage. Meat byproducts used in the sausage shall be designated individually in the ingredient statement on the label for such sausage.

- (3) A cooked sausage as defined in Paragraph (1) of this section shall be labeled by its generic name, e.g., frankfurter, frank, furter, hotdog, wiener, vienna, bologna, garlic bologna, or knockwurst. Sausage products within Paragraph 1 that are prepared with meat from a single species of cattle, sheep, swine, or goats shall be labeled with the term designating the particular species in conjunction with the generic name, e.g., "beef frankfurter".
- (4) A cooked sausage as defined in Paragraph (2) of this section shall be labeled by its generic name, e.g., frankfurter, frank, furter, hotdog, wiener, vienna, bologna, garlic bologna, or knockwurst, in conjunction with the phrase "with byproducts" or "with variety meats" with such supplemental phrase shown in a prominent manner directly contiguous to the generic name and in the same color on an identical background.
- (5) With appropriate labeling such as "Frankfurter, Calcium Reduced Dried Skim Milk Added", or "Bologna, with Byproducts (or Variety Meats), Soy Flour Added", one or more of the following binders may be used in cooked sausage otherwise complying with Paragraphs (1) and (2) of this section: Dried milk, calcium reduced dried skim milk, nonfat dry milk, cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, and isolated soy protein, provided such ingredients, individually or collectively, do not exceed 3 1/2% of the finished product, except that 2% of isolated soy protein shall be deemed to be the equivalent of 3 1/2% of any one or more of the other binders.
- (6) Cooked sausages shall not be labeled with terms such as "All Meat" or "All (species)", or otherwise to indicate they do not contain nonmeat ingredients or are prepared only from meat. Sodium nitrate,

sodium nitrite, potassium nitrate, and potassium nitrite may be added to the product provided that total nitrates and nitrites are not in excess of 200 parts per million. Bacon shall not contain nitrates and nitrites in excess of 120 parts per million. Seasoning substances or additives including common salt, wood smoke, vinegar, flavorings, spices, or approved sugars, such as sucrose, cane or beet sugar, maple sugar, dextrose, invert sugar, honey, corn syrup solids, corn syrup, and glucose syrup may be added.

h. Labeling

- (1) All processed, blended or otherwise prepared meat, meat products, fish, poultry, game animal, or molluscan shellfish that are packed in any can, pot, tin, box, canvas, or other receptacle or covering constituting an immediate or true container, shall be labeled. Labels shall contain, prominently and informatively, the following:
  - (a) The true name of the product, identified with the manufacturer and place of manufacture.
  - (b) A list of the ingredients giving common or usual names of the ingredients, when there are two or more ingredients, and arranged in the order of their predominance. If ice or water is R 4-3-2002 8-82 used to facilitate chopping or mixing in the preparation of sausage, it must be appropriately declared on the label.
  - (c) Additionally, packaged food shall be labeled as specified by law in 21CFR101 - food labeling, and 9CFR317.

**REGULATION 6. Sanitation**

Every meat establishment shall comply with regulations in Sections 1 and 2 of this Chapter, and the Regulations in this Section.

**MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE**

**CHAPTER VIII**

**FOOD, FOOD PRODUCTS,  
FOOD HANDLING ESTABLISHMENTS**

**SECTION 6**

**FOOD RELATED FACILITIES**

In addition to complying with the regulations in Section 1 and 2 of this Chapter, beverage plants, damaged and salvaged food establishments, bakeries, ice manufacturing plants, refrigerated warehouses, and food catering establishments shall comply with the following regulations.

**REGULATION 1. Beverage Plants**

- a. Bottling, canning and packaging shall be performed using approved mechanical apparatus.
- b. The product surface contact surface of containers shall be inert to the contents.
  - a. Chipped, cracked or otherwise defective containers shall not be used.
- d. Crowning and closing shall be done by approved machinery. Hand crowning or closing is prohibited.

**REGULATION 2. Salvage and Sale of Damaged Food**

- a. Damaged food shall be stored apart from other food and food products in a section or area of the premises clearly designated by sign as the "Damaged Foods Section."
- b. Damaged food shall be labeled either on the food itself or on its container or package, to indicate the nature of the damage, such as "fire damaged", "radiation damaged", etc.
- c. No person shall sell, offer for sale or give away damaged food that is unclean, unwholesome, contaminated, unfit or otherwise dangerous or deleterious to human health.
- d. Any person in charge of a food establishment wherein food has been subjected to any of the deleterious influences described herein Chapter



VIII, Section 1, definition of damaged food, shall notify the Department thereof before marketing such food.

### **REGULATION 3. Bakeries**

- a. Refrigeration – All readily perishable bakery products, such as custard or cream filled pastries or pies, commonly known as cream pies shall be cooled to a temperature specified in Chapter VIII, Section 2, §3-501.16 within one (1) hour of completion and shall be kept at or below that temperature. Perishable ingredients shall be kept at a temperature specified in Chapter VIII, Section 2, §3-501.16 or less at all times.
- b. Wrapping and Transportation – No bakery product shall be transported or delivered unless it is wrapped or packaged to prevent contamination. Packaging shall be done at the place of manufacture. An exception may be allowed where bakery products are transported from the place of manufacture to a retail branch store where the unwrapped products shall be displayed only in enclosed display cases. The unwrapped products may be packed for transportation in dust proof bulk containers. Bulk containers shall be of easily cleanable construction, and shall be kept clean at all times. The unwrapped contents thereof shall not be handled by drivers or any other person.
- c. Vehicles – All vehicles used in transporting bakery products shall be of a closed type, dust and fly proof. All shelves used in such vehicles shall be readily removable and easily cleanable.

### **REGULATION 4. Ice Manufacturing Plants**

- a. Ice and all water used in ice manufacturing, including that used in preparing brine solutions, shall be of a safe, sanitary quality and from an approved public or private water supply system.
- b. Only potable water shall be used in sprays and in filling dipping wells, for the removal of ice cakes from the ice cans or tanks.
- c. A nonpotable water supply approved by the Department may be permitted within the establishment for purposes of fire protection and the cooling of refrigeration equipment.
- d. Ice shall not come in direct contact with water in dipping wells.
- e. If water is treated with chemicals or additives at the ice plant, the treatment and facilities shall be as approved by the Department.

- f. Air used for water agitation shall be filtered or otherwise treated to render it free of dust, dirt, insects, and extraneous material. Air intakes shall be so located and maintained as to accomplish this. Filters shall be located upstream from the compressor and shall be easily removable for cleaning or replacement.
- g. The blower or compressor for supplying air for water agitation shall be designed so it will deliver oil-free air.
- h. Ice shall not be stored or kept in canvas containers unless provided with a sanitary single-service liner, which protects the ice from contamination.
- i. Freezing tank covers shall be so designed and of such material as to protect the ice containers from splash, drip and other contamination. Such covers shall be equipped with lifting rings or similar devices.
- j. No person shall enter the tank room or any room or area where ice contacts a walking surface, unless they wear clean suitable boots or shoe covering. Such boots or shoe covering shall be removed when the person leaves such room or area; provided, that if boots or shoe coverings are not removed, they shall be thoroughly washed in an approved sanitizing solution before reentering such rooms or areas.
- k. Ice for human consumption shall be transported in clean, enclosed vehicles. Vehicles hauling unpackaged ice shall be thoroughly washed immediately prior to loading with ice.
- l. That part of core suction or filling equipment that penetrates the ice block shall be properly protected against contamination when not in use. Where a protective collar is used, it shall be large enough and so positioned as to prevent the tip of the suction or filling tube from touching the deck when it is laid down.
- m. Ice used for human consumption shall not be cracked, chipped, crushed, packaged, or pulverized on delivery trucks, loading platforms or on the ground. This operation shall be performed in an enclosed protected area.
- n. All cubed or crushed ice shall be transported and delivered in clean, closed, single-service bags, cartons or containers, which shall be stored in a clean dry place until use, and shall be handled in a sanitary manner. Single-service containers shall be used once only.
- o. No toilet room or toilet vestibule shall open directly into ice making or ice storage areas.

- p. Containers used to package ice for retail sale shall be labeled in accordance with 21CFR101.
- q. Ice making machines and associated equipment shall be located so that the ice will not be exposed to any source of contamination while being produced, handled, packaged, or stored.
- r. Ice that is available for self-service by the public shall be dispensed in single-service packages or through a device which will not permit exposure or access to ice held in storage.

#### **REGULATION 5. Refrigerated Warehouses**

- a. No food shall be placed, received or kept in a refrigerated warehouse unless such food is in a pure and wholesome condition. Food or food products marked “withheld”, “embargoed” or “condemned” shall be kept in a place and under conditions which have been approved by the Department.
- b. The operator of a refrigerated warehouse shall, upon request from the Department, when it has reasonable suspicion regarding the wholesomeness of food, submit reports setting forth the quantity and condition of any food or food product stored therein.
- c. Period of Storage - No person shall keep or permit to remain in any refrigerated warehouse any food beyond the time when it is sound, wholesome and fit to remain in storage. Food found to be fit for human consumption but unfit for further storage shall at once be removed from warehouse storage. No food shall be kept or permitted to remain in any refrigerated warehouse for a longer aggregate period than twenty-four (24) calendar months except by permission of the Department. Upon written application for an extension of time, the Department may approve such request if it determines that the food is sound, wholesome and fit for further storage. If any food is held longer than twenty-four (24) months without an approved extension and neither the operator nor the Department can locate the owner of said food, after a ten (10) day notice made by registered mail to the last known address of such owners by the operator of the facility, the Department may, at its discretion, order the disposition of the food.
- d. Restorage Prohibited - No food that has once been released from storage in a refrigerated warehouse and placed on the market for sale to consumers or delivered for use by the ultimate consumer, shall again be placed or stored in a refrigerated warehouse for resale for human consumption.
- e. Marks, Tags, Identification of Food - The operator of each refrigerated warehouse shall assign to each lot of food and drink, when received for storage, a distinguishing lot number for identification purposes and shall keep

an accurate record of such lot number and shall also make and keep a record of the date of the receipt and the date of removal of each lot of food and drink. No food shall be held unless plainly marked and tagged, either upon the container or upon the article itself, with the identification lot number assigned and recorded in accordance with this regulation, except that where food products are bulk-piled, palletized or piled in unit loads it will be satisfactory to have the outside of the bins in which the bulk is piled or the outside of containers marked as required.

- f. Transfer - Food may be transferred from one refrigerated warehouse to another if all prior stamping, tags and marking remain thereon and such transfer is not made for the purpose of evading the provisions of this code.
- g. Alteration Prohibited - No person shall alter, obliterate, mutilate, destroy, remove or eradicate any stamp, tag or mark placed upon any food package, container or food to indicate that the food was received for refrigerated storage from within or from out of the County in order to evade any of the provisions of this code.

#### **REGULATION 6. Frozen Desserts**

- a. A variance is required for a food establishment that prepares a frozen dairy dessert mix/base for immediate consumption using an alternative pasteurization process.
- b. No wholesale, offsite sales or sales from a self-service retail case of frozen dairy desserts are allowed unless a license is obtained in accordance with A.R.S. § 3-607.

#### **REGULATION 7. Food Caterers**

- a. All catering activities that occur prior to service must occur at the approved, permitted food establishment.
- b. Food service will generally be limited only to holding and serving as well as cooking of animal proteins, soy proteins and vegetables. Approval for limited on-site re-heating and food assembly may be granted by the Department following application review. All food preparation (breading, chopping, mixing, marinating, etc.) must be accomplished at the food service establishment.
- c. Food products that have been cooked/prepared at the event are to be discarded at the end of each day.

- d. All food products requiring temperature control shall be transported and stored in equipment whose intended use is for such activities.
- e. All vehicles carrying food and food products shall be constructed, equipped and maintained as to protect the purity and wholesomeness of the transported products. Personal vehicles (passenger cars and station wagons, etc.) are prohibited for use with a food catering operation.
- f. Accessible hand washing facilities shall be located and maintained open at all times. Where suitable facilities are not immediately accessible, a self-contained hand washing station, as defined in Section 3 of this Chapter, is required.
- g. Where off-site food service is to occur outdoors, acceptable booth enclosure for all food activities is required per this code.
- h. All sewage, including liquid waste, shall be emptied into an approved sewage disposal system.
- i. All foods offered for customer self-service (i.e., on a buffet or similar means) shall be protected from contamination by the use of packaging, food guards, display cases, or other effective means. In addition, foods that have been offered in this manner shall not be offered for human consumption upon the completion of each day.
- j. Linens that do not come in direct contact with food shall be laundered between operations if they become wet, sticky or visibly soiled.
- k. An operating schedule must be provided to the Department upon request. This schedule should include dates and times of events and dates and times when food preparation will occur at the permitted food establishment.
- l. All caterers operating from a shared facility must maintain a log of visits to the commissary in the manner prescribed by this Department. This log shall be signed off by the person in charge of the commissary or their designee. This log shall be maintained at the operating location at all times.
- m. Food caterers operating at farmers markets may be approved to use an approved temporary hand wash station when the market coordinator provides written documentation that each food caterer has an approved temporary hand wash station during all times of operation.

## **REGULATION 8. Trial Review Establishment**

- a. Areas eligible for review under a Trial Review Establishment permit include structural items, custom equipment, unique architectural designs, alternative equipment systems, or other items the Department deems appropriate.
- b. Areas not eligible for review under a trial review establishment permit include food temperature control, personal hygiene control, chemical/reagent materials, any item directly related to CDC risk factors, or any item the Department deems could adversely impact public health.
- c. Any establishment that serves a highly susceptible population may not apply for a trial review establishment permit.
- d. At the end of the six month period, the Department will transition the business into an applicable food service establishment permit where the owner will either:
  - (1) Make all necessary modifications to meet current Maricopa County Environmental Health Code regulations; or
  - (2) Operate in compliance with a Department approved alternative design, equipment and/or active managerial control plan.
- e. The Trial Review Establishment plan review fees are the same as the Chapter I Fee Schedule “Environmental Health Plan Review” fees for categories “All Other Food Establishments”, “Mobile Food Establishments” and “Pushcart Plan Review.” In addition, the Trial Review Establishment permit fees are half the annual “Food Environmental Health Operating Permits” fees by class and seating capacity as listed in the Chapter I Fee Schedule.

## **REGULATION 9. Confectionary Food Establishment**

- a. In facilities that do not meet §4-301.12 of the U.S. Food and Drug Administration 2017 Food Code, warewashing can be accomplished using alternative cleaning and sanitizing procedures approved by the Department. The Department will evaluate the type/quantity of utensils required to be cleaned, the type of warewashing equipment available, and the cleaning procedures developed by the applicant as part of the approval process.

- b. The Department may approve the use of noncommercial food service equipment if it can be demonstrated the equipment can be sufficiently cleaned and sanitized and can withstand the intended use of the business.
- c. Employees must have access to a handwashing sink within 25 feet of the food production area. Employees cannot use a warewashing or food preparation sink for hand washing.
- d. Food production, food storage, and equipment storage areas must contain cleanable finishes and be in good repair.
- e. Employees must have access to a restroom supplied with a water closet, lavatory with hot and cold water, and soap and paper towels.
- f. The Confectionary Food Establishment plan review fee is half the plan review fee for the “All Other Food Establishments” category, and the annual permit fee is half the “Bakery” permit fee, both of which are listed in the Chapter I Fee Schedule of this code.

When the Department has previously permitted the location, half the new permit application inspection fee listed in the Chapter I Fee Schedule of this code may apply in lieu of half the plan review fee.

**MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE**

**CHAPTER VIII**

**FOOD, FOOD PRODUCTS,  
FOOD HANDLING ESTABLISHMENTS**

**SECTION 7**

**BOTTLED WATER**

In addition to complying with the regulations in Section 1 and 2 of this Chapter, Bottled Water operations shall comply with the following Regulations.

**REGULATION 1. Bottled Water Rules**

The provisions of A.A.C. Title 9, Chapter 8, Sections 201 through 209, excluding Sections 202 and 208, paragraphs a & b, shall be met.

**R9-8-201. Definitions**

In this article, unless the context otherwise requires:

1. “Approved Source” when used in reference to a plant's water product or water used in the plant's operations means the source of the water and the water therefrom, whether it be from a spring, artesian well, drilled well, municipal water supply or any other source that has been inspected by the Arizona Department of Environmental Quality and issued a Certificate or Notification of Approval.
2. “Artesian Well Water” means natural water from a well tapping an aquifer in which the water level will stand above the bottom of confining bed of the aquifer and in which the hydraulic pressure of the water in the aquifer is greater than the force of gravity.
3. “Bottled Water” means water that is from an approved source and is placed by a food establishment in a sealed container or package for human consumption or other consumer uses and has been produced by any of the processes described in R9-8-203 or which has undergone minimum treatment consisting of filtration (activated carbon and/or particulate) and ozonation or an equivalent process.
4. “Carbonated Water” means bottled water containing carbon dioxide. It is also known as “Sparkling Water” or “Soda Water.”



5. “Cleaning-in-Place” means the automatic or mechanical cleaning and/or sanitizing of a stationary piece of equipment.
6. “CFR”; means the Code of Federal Regulations.
7. “Department” means the Arizona Department of Health Services or a local Health Department designated by the Director.
8. “Distilled Water” means water which has been produced, a process of distillation and meets the definition of purified water on page 1124 in the United States Pharmacopeia (21st Rev.) dated 1985, Mack Publishing Company, Easton, Pennsylvania, 18042, Incorporated herein by Reference and on file with the Office of the Secretary of State.
9. “Drinking Water” means water obtained from an approved source for purposes of human consumption.
10. “Filler Equipment” means a machine used for the purpose of bottling or packaging liquids.
11. “Fluoridated Water” means water containing naturally occurring or added fluoride ion and complying with The Food and Drug Administration Quality Standards set forth in 21 CFR §103.35.d.2 (4-1-89 Ed.), Incorporated herein by Reference and on file with the Office of the Secretary of State.
12. “Mineral Water” means “Natural Water” that contains not less than 500 parts per million dissolved mineral solids and whose source is approved by the Arizona Department of Environmental Quality.
13. “Mineralized Water” means water which has been modified by the mineral addition or deletion and contains not less than 500 parts per million dissolved mineral solids and whose source is approved by the Department of Environmental Quality.
14. “Natural Water” means spring, artesian well or well water, derived from an underground formation, which is unmodified by blending with water from another source or by mineral addition or deletion but may be treated to reduce the concentration of any substance, except minerals, to meet the Safe Drinking Water Standards established by the Arizona Department of Environmental Quality.
15. “Naturally Carbonated” or “Naturally Sparkling” means water that contains carbon dioxide and that emerges from the source and is bottled

directly with its entrapped gas or from which the gas is mechanically separated from the water and later reintroduced into the water at the time of bottling.

16. "Purified Water" means water produced by distillation, deionization or reverse osmosis and meets the definition of purified water on page 1124 in the United States Pharmacopeia (21st Rev.), dated 1985, Mack Publishing Company, Easton, Pennsylvania, 18042, Incorporated herein by Reference and on file with the Office of the Secretary of State.
17. "Soda Water" means bottled water containing carbon dioxide.
18. "Sparkling Water" means bottled water containing carbon dioxide.
19. "Spring Water" means water other than artesian that is derived from a natural underground stratum that flows naturally or by external enhancement to the surface through a natural orifice, or from a bore hole adjacent to the natural orifice and which meets the requirements of "Natural Water".
20. "Well Water" means water from a hole bored into the ground which taps the water of the aquifer and which meets the requirements of "Natural Water".

**R9-8-203. Processing Practices**

- a. All bottled water processed or sold in Arizona shall be processed and packaged in accordance with the U.S. Food and Drug Administration's Good Manufacturing Practice Regulations for Bottled Water beginning at 21 CFR § 129 (4-1-89 ED.), Incorporated herein by Reference and on file with the Office of the Secretary of State.
- b. Bottled water shall not be processed or bottled through a line or other equipment used for any other purpose, except that filler equipment used to bottle liquids intended for human consumption may also be used to bottle water, provided:
  1. Filler and processing equipment, unless specifically designed for cleaning-in-place, shall be completely disassembled and cleaned after each use and sterilized after assembly.
  2. A separate set of gaskets, o-rings and similar flexible materials is used for bottling water.
  3. A physical break exists between all processing lines at the filler inlet.

- c. The provisions of R9-8-203(b) shall not apply to soft drink bottling operations processing carbonated water.

**R9-8-204. Labeling Requirements**

- a. All bottled water processed or sold in Arizona shall conform to the requirements established in A.R.S. §36-906, and shall be labeled in compliance with one of the following standards:
  - 1. Mineral water shall be labeled “Mineral Water” or “Natural Mineral Water”.
  - 2. Mineralized water shall be labeled “Mineralized Water”.
  - 3. Spring water shall be labeled “Spring Water” or “Natural Spring Water”.
  - 4. Naturally carbonated or naturally sparkling water shall be labeled with the words "Naturally Carbonated" or “Naturally Carbonated” or “Naturally Sparkling”.
  - 5. Bottled water which contains carbon dioxide, other than “Naturally Carbonated or Naturally Sparkling”, shall be labeled with the words “Carbonated” or “Sparkling” or “Soda Water”.
  - 6. Well water shall be labeled “Well Water” or “Natural Well Water”.
  - 7. Artesian well water shall be labeled “Artesian Well Water”, "Natural Artesian Well Water" or "Natural Well Water".
  - 8. Purified water shall be labeled “Purified Water” and the method of preparation shall be stated on the label except that purified water produced by distillation may be labeled "Distilled Water".
  - 9. Drinking water shall be labeled “Drinking Water”.
- b. Any bottler distributor, or vendor of bottled water whose corporate name, brand name or trademark contains the words “Well”, “Artesian Well”, “Natural”, or any derivation of these words shall label each bottle with source of the water in typeface at least equal to the size of the typeface of the corporate name or trademark if the actual source of the bottled water is different from the source stated in the corporate name, brand name or trademark.

- c. The use of words “Spring”, “Spring Fresh”, “Spring Brand”, “Spring Type” or other language containing the word “Spring” in a corporate name, brand name or trademark, or in describing the water, is prohibited unless the water is “Spring Water” as defined in R9-8-201.
- d. Supplemental printed information and graphics concerning recognized uses of the water may appear on the label but shall not imply properties of the product or preparation methods which are not accurate.

**R9-8-205. Source Water Sampling**

- a. Samples shall be taken of approved sources of water by plant operators or their agents according to the schedule established in A.C. R18-4-223.
- b. Sampling and analysis shall be by laboratories certified in accordance with A.A.C. R9-14-602 and shall be in addition to any sampling performed by the Department.
- c. Original laboratory records of bacteriological analyses shall be kept by the bottler for five years. Records of chemical analyses shall be kept for ten years.

**R9-8-206. Finished Product Sampling**

- a. To assure that the plant’s production of bottled water is in compliance with 21 CFR § 103.35 (4-1-89 Ed.), incorporated herein by reference and on file with the Office of the Secretary of State, the plant shall have the following analyses performed by a laboratory certified according to the provisions of A.A.C. R9-14-602:
  - 1. A representative sample from a batch or segment of a continuous production for each type of bottled water produced by the plant shall be analyzed weekly for microbiological purposes.
  - 2. A representative sample from a batch or segment of a continuous production for each type of bottled water produced by the plant shall be analyzed annually for chemical, physical and radiological compliance.
- b. The representative samples required in subsection a above shall be derived from the bottled product.
- c. Records of the sampling and analyses shall be maintained on file at the place of operation for a period of two years and shall be made readily available to the Director.

**R9-8-207. Transportation Vehicles**

- a. Bottled water shall be transported in vehicles used only for the transportation of food and other non-toxic products.
- b. All vehicles transporting bottled water shall be clean and shall protect the bottled water from dust, dirt, insects, and other vermin.

**R9-8-209. Public Nuisance**

- a. Any water supply, label, premises, equipment, process, or vehicle which does not comply with the minimum standards of this article shall be considered a public nuisance.
- b. All bottled water public nuisances shall be abated by revocation of the bottling establishment's permit or through the procedures established in A.R.S. §36-601 or by any other means permissible by law.

**REGULATION 2. Sanitation**

Every bottled water plant in which is carried on the process of placing water from an approved source into a sealed container or package shall be operated and maintained in a clean and sanitary condition and in compliance with the appropriate parts of Chapter VIII, Section 1, the general Regulations of this code, and with the specific provisions of this Section.

**REGULATION 3. Permit Required**

No person shall operate a bottled water plant without holding a valid Permit to do so from the Department.

All bottled water processors shall be inspected prior to issuance of a Permit and once every six months thereafter for compliance with the minimum standards of this Article.

**REGULATION 4. Water Quality and Source**

- a. All bottled water processed in Arizona shall be obtained from a source whose quality is approved by the Director of the Department of Environmental Quality or a local Health Department designated by the Director in accordance with provisions of the A.A.C., Title 18, Chapter 4, Article 2.

- b. With the exception of mineral water, mineralized water carbonated water, bottled water processed or sold in Arizona shall meet or exceed the minimum quality standards prescribed by 21 CFR §103.35 (4-1-89 ED.), Incorporated herein and on file with the Office of the Secretary of State.