

CHAPTER 24

SANITATION IN RETAIL FOOD ESTABLISHMENTS AND FOOD AND BEVERAGE VENDING MACHINES

Authority

N.J.S.A. 26:1A-7.

Source and Effective Date

R.2006 d.430, effective January 2, 2007.
See: 38 N.J.R. 877(a), 39 N.J.R. 62(b).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 24, Sanitation in Retail Food Establishments and Food and Beverage Vending Machines, expires on January 2, 2014. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 24, Retail Food Establishments and Food and Beverage Vending Machines Chapter XII, also known as Chapter XII of the State Sanitary Code, was adopted as R.1972 d.117, effective July 6, 1972. See: 3 N.J.R. 203(a), 4 N.J.R. 158(b).

Chapter 24, Retail Food Establishments and Food and Beverage Vending Machines, Chapter XII, was repealed and a new Chapter 24, Retail Food Establishments and Food and Beverage Vending Machines, Chapter XII, was adopted as R.1983 d.98, effective April 4, 1983, operative June 1, 1983. See: 14 N.J.R. 509(a), 15 N.J.R. 544(b).

Chapter 24, Retail Food Establishments and Food and Beverage Vending Machines, Chapter XII, expired April 4, 1988.

Chapter 24, Retail Food Establishments and Food and Beverage Vending Machines, Chapter XII, was adopted as R.1988 d.204, effective May 2, 1988. See: 20 N.J.R. 365(a), 20 N.J.R. 982(a). Subchapter 14, Community Residence and Bed and Breakfast Retail Food Establishments, originally codified as Subchapter 13, was adopted as R.1991 d.357, effective July 15, 1991, operative November 1, 1991. See: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).

Pursuant to Executive Order No. 66(1978), Chapter 24, Retail Food Establishments and Food and Beverage Vending Machines, Chapter XII, was readopted as R.1993 d.201, effective April 14, 1993. See: 25 N.J.R. 662(a), 25 N.J.R. 1965(b). Subchapter 8, Temporary and Mobile Retail Food Establishments and Agricultural Markets, was repealed, new Subchapters 8 and 9 were adopted, and former Subchapters 9 through 13 were recodified as Subchapters 10 through 14, by R.1993 d.345, effective July 6, 1993. See: 25 N.J.R. 662(a), 25 N.J.R. 2872(a).

Pursuant to Executive Order No. 66(1978), Chapter 24, Retail Food Establishments and Food and Beverage Vending Machines, Chapter XII, was adopted as R.1998 d.211, effective April 7, 1998. See: 30 N.J.R. 302(a), 30 N.J.R. 1602(a). Chapter 24, Retail Food Establishments and Food and Beverage Vending Machines, Chapter XII, expired on October 4, 2003.

Chapter 24, Retail Food Establishments and Food and Beverage Vending Machines, Chapter XII, was adopted as new rules by R.2004 d.64, effective February 17, 2004. See: 35 N.J.R. 1482(a), 36 N.J.R. 961(b).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 24, Retail Food Establishments and Food and Beverage Vending Machines, Chapter XII, was extended by gubernatorial directive from February 17, 2005 to February 17, 2006. See: 37 N.J.R. 774(b).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 24, Retail Food Establishments and Food and Beverage Vending Machines Chapter XII, was extended by gubernatorial directive from February 17, 2006 to February 17, 2007. See: 38 N.J.R. 1452(a).

Chapter 24, Retail Food Establishments and Food and Beverage Vending Machines Chapter XII, was repealed and Chapter 24, Sanitation

in Retail Food Establishments and Food and Beverage Vending Machines, was adopted as new rules by R.2006 d.430, effective January 2, 2007. See: Source and Effective Date.

Cross References

Child care centers physical facility requirements, see N.J.A.C. 10:122-5.1 et seq.

Children's group home physical facility requirements, see N.J.A.C. 10:128-4.1 et seq.

Children's shelter physical facility requirements, see N.J.A.C. 10:124-5.1 et seq.

Personal care homes, facility to be in compliance with Sanitary Code, see N.J.A.C. 8:36-15.1.

Residential child care facility maintenance and sanitation requirements, see N.J.A.C. 10:127-4.4.

Residential child care physical facility requirements, see N.J.A.C. 10:127-4.1.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 8:24-1.1 Violations; declaration of nuisances
- 8:24-1.2 Severability
- 8:24-1.3 Purpose
- 8:24-1.4 Scope
- 8:24-1.5 Definitions

SUBCHAPTER 2. MANAGEMENT AND PERSONNEL

- 8:24-2.1 Supervision
- 8:24-2.2 Employee health
- 8:24-2.3 Personal cleanliness
- 8:24-2.4 Hygienic practices

SUBCHAPTER 3. FOOD

- 8:24-3.1 Characteristics
- 8:24-3.2 Sources, specifications, and original containers and records
- 8:24-3.3 Protection from contamination after receiving
- 8:24-3.4 Destruction of organisms of public health concern
- 8:24-3.5 Limitation of growth of organisms of public health concern
- 8:24-3.6 Food identity, presentation, and on-premises labeling
- 8:24-3.7 Special requirements for highly susceptible populations

SUBCHAPTER 4. EQUIPMENT, UTENSILS, AND LINENS

- 8:24-4.1 Materials for construction and repair
- 8:24-4.2 Design and construction
- 8:24-4.3 Equipment, utensils, numbers and capacities
- 8:24-4.4 Equipment location and installation
- 8:24-4.5 Maintenance and operation
- 8:24-4.6 Cleaning of equipment and utensils
- 8:24-4.7 Sanitization of equipment and utensils
- 8:24-4.8 Manual warewashing equipment
- 8:24-4.9 Mechanical warewashing equipment
- 8:24-4.10 Laundering
- 8:24-4.11 Protection of Clean Items
- 8:24-4.12 Vending machines

SUBCHAPTER 5. WATER, PLUMBING, AND WASTE

- 8:24-5.1 Water
- 8:24-5.2 Plumbing system
- 8:24-5.3 Mobile water tank and mobile retail food establishment water tank
- 8:24-5.4 Sewage, other liquid waste, and rainwater
- 8:24-5.5 Refuse, recyclables, and returnables

SUBCHAPTER 6. PHYSICAL FACILITIES

- 8:24-6.1 Materials for construction and repair
- 8:24-6.2 Design, construction, and installation
- 8:24-6.3 Lighting, ventilation, and dressing areas
- 8:24-6.4 Segregation and location of distressed merchandise
- 8:24-6.5 Maintenance and operation
- 8:24-6.6 Toilet facilities
- 8:24-6.7 Handwashing facilities

SUBCHAPTER 7. POISONOUS OR TOXIC MATERIALS

- 8:24-7.1 Labeling and identification
- 8:24-7.2 Operational supplies and applications
- 8:24-7.3 Stock and retail sale

SUBCHAPTER 8. ENFORCEMENT PROVISIONS

- 8:24-8.1 Legal authority
- 8:24-8.2 Inspection of retail food establishments
- 8:24-8.3 Examination of records
- 8:24-8.4 Examination and condemnation of unwholesome, contaminated or adulterated food and drink
- 8:24-8.5 Retail food establishments outside jurisdiction
- 8:24-8.6 Emergency occurrences
- 8:24-8.7 Salvaged foods
- 8:24-8.8 Closure for infection
- 8:24-8.9 Penalties
- 8:24-8.10 Report of inspections
- 8:24-8.11 Evaluation of reports
- 8:24-8.12 Public posting of inspection reports
- 8:24-8.13 Public availability of inspection records
- 8:24-8.14 Interpretations

SUBCHAPTER 9. REVIEW OF PLANS

- 8:24-9.1 Plan submission and approval
- 8:24-9.2 Pre-operational inspection

SUBCHAPTER 10. ADDITIONAL REQUIREMENTS

- 8:24-10.1 Choking prevention posters
- 8:24-10.2 Smoking in restaurants and food stores

SUBCHAPTER 1. GENERAL PROVISIONS

8:24-1.1 Violations; declaration of nuisances

Retail food establishments in violation of this chapter are hereby declared to be nuisances, hazardous to health.

8:24-1.2 Severability

If any provision or application of any provision of this chapter is held invalid, that invalidity shall not affect other provisions or applications of this chapter.

8:24-1.3 Purpose

The purpose of this chapter is to safeguard public health and provide to consumers food that is safe and unadulterated.

8:24-1.4 Scope

This chapter establishes definitions; sets standards for management and personnel, food operations, and equipment and

facilities; and provides for retail food establishment plan review, inspection, and employee restrictions.

8:24-1.5 Definitions

For the purpose of this chapter, the following words, phrases, names and terms shall have the following meanings, unless the context clearly indicates otherwise.

“Accredited program” means a food protection manager certification program that has been evaluated and listed by an accrediting agency as conforming to national standards for organizations that certify individuals. The term refers to the certification process and is a designation based upon an independent evaluation of factors such as the sponsor’s mission; organizational structure; staff resources; revenue sources; policies; public information regarding program scope and eligibility requirement; recertification, discipline and grievance procedures; and test development and administration. The term does not refer to training functions or education programs.

“ a_w ” means water activity which is a measure of the free moisture in a food, is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature, and is indicated by the symbol a_w .

“Beverage” means a liquid for drinking, including water.

“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.

“Certification number” means a unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish dealer according to the definition stated in the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, National Shellfish Sanitation Program’s Guide for the Control of Molluscan Shellfish (2003), incorporated herein by reference, as amended and supplemented, and available through the Interstate Shellfish Sanitation Conference, 209-2 Dawson Road, Columbia, SC 29223, and available at <http://www.cfsan.fda.gov/~ear/nss2-toc.html>.

“CIP” means cleaned in place by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse, and sanitizing solution onto or over equipment surfaces that require cleaning, such as the method used, in part, to clean and sanitize a frozen dessert machine. The term does not include the cleaning of equipment such as band saws, slicers, or mixers that are subjected to in-place manual cleaning without the use of a CIP system.

“CFR” means Code of Federal Regulations.

“Commercially raised game animal” means game animals: