



3 3009 00555 7220

FD-1  
April 73



New Jersey, State  
Department of Health,  
John Fitch Plaza, P. O. Box 1540  
Trenton, New Jersey 08625

## SANITATION IN FOOD ESTABLISHMENTS

Revised Statutes 24:15-1 to 24:15-14  
Penalties — Revised Statutes 24:17-1  
(Source — Chapter 231, Laws of 1909)  
(Source — Chapter 42, Laws of 1942)  
(Source — Chapter 43, Laws of 1966)  
(Source — Chapter 74, Laws of 1966)  
(Source — Chapter 158, Laws of 1971)

**24:15-1. "Food establishment" defined.** As used in this chapter, "food establishment" includes any place used in the production, preparation, manufacture, packing, storage, transportation or handling of food intended for sale or distribution.

**"Drug establishment" defined.** A "drug establishment" includes any place used in the production, preparation, manufacture, packing, storage, transportation and handling of drugs intended for sale or distribution.

**"Cosmetic establishment" defined.** A "cosmetic establishment" includes any place used in the production, preparation, manufacture, packing, storage, transportation and handling of cosmetics intended for sale or distribution "but not including pharmacies licensed by the New Jersey Board of Pharmacy."

**24:15 A-1.** No person shall keep or use in the manufacture, sale or keeping for sale, of any drink, beverage or food, nor shall any person offer for sale, sell or manufacture, for use in the preparation, storage or dispensing of a drink, beverage or food, any tap, faucet, tank, fountain, refrigerator, utensil, vessel, apparatus, or any pipe, or conduit, or parts in connection therewith, which is composed or made either wholly or in part of lead, cadmium, or other metal or metallic substance that is or will be affected by the drink, beverage or food so that dangerous, unwholesome, or deleterious compounds are formed therein or thereby or such that the drink, beverage or food made or stored therein or drawn therefrom shall be unwholesome, dangerous or detrimental to health.

**24:15-2. Cleanliness, lighting, plumbing and ventilation.** Every room in the building of a food, drug or cosmetic establishment shall be properly lighted, drained, plumbed and ventilated and the operations carried on therein shall be conducted in such a manner that the purity, quality and wholesomeness of the food, drug or cosmetic therein produced, manufactured, prepared, packed, stored, sold or distributed shall not be impaired.

**24:15-3. Construction of walls, interior woodwork and floors.** The side walls of every room in a food, drug or cosmetic establishment wherein food or drugs are produced, manufactured, packaged, stored or handled, shall be made of or coated with a suitable washable surface.

Every room of a food, drug or cosmetic establishment in which food, drugs or cosmetics are exposed shall have a tight floor made of cement or of tile laid in cement, brick, hard wood or other suitable material which can be properly cleaned.

**24:15-4. Cleanliness of walls, floors, furniture and machinery.**

(a) The floors, side walls, ceilings, furniture, receptacles, implements and machinery of every food, drug or cosmetic establishment and all vehicles used in the transportation of food

products, drugs or cosmetics shall be kept in a clean and sanitary condition. No person shall transport food, drugs or cosmetics in such manner that the purity, quality or wholesomeness thereof shall be impaired.

(b) No polishes or substances containing hydrocyanic acid or salts thereof shall be used for the cleaning or polishing of articles or utensils used for the service or preparation of food or foodstuffs in any food establishment or articles used in the processing, packing or storage of drugs or cosmetics in a drug or cosmetic establishment.

(c) An adequate supply of running water under pressure shall be easily accessible to all rooms in which food, drugs or cosmetics are prepared, manufactured, packed, stored or handled and shall be provided in all rooms in which utensils and equipment are washed.

(d) All multi-use utensils, equipment, tools and receptacles in a food, drug or cosmetic establishment, used in connection with the processing, manufacture, packing, storage or handling of food, drugs or cosmetics intended for distribution or sale, shall be thoroughly cleaned and sanitized immediately after each usage.

**24:15-5. Protection of food from contamination; removal of refuse.** All food, drugs or cosmetics intended for distribution or sale in the process of production, manufacture, preparation, packing, storing or transportation shall be securely protected from flies, vermin, dust, dirt and so far as possible, by the use of all reasonable means, from all other foreign or injurious contamination. The refuse, dirt and waste products subject to decomposition or fermentation shall be removed daily.

**24:15-6. Clothing of employees to be kept clean.** The clothing worn by all persons while engaged in work in any food, drug or cosmetic establishment shall be in a clean condition at all times.

**24:15-7. Toilet facilities for and personal cleanliness of employees.** All employees of a food, drug or cosmetic establishment who handle the material from which food, drugs or cosmetics intended for distribution or sale are prepared, or the finished product shall, before beginning work and after visiting the toilet, wash their hands and arms thoroughly with clean water and soap. Every person owning or operating a food, drug or cosmetic establishment shall provide adequate facilities for such washing and shall take all reasonable means to compel such employees to perform such washing.

Adequate, conveniently located toilet facilities shall be provided for employees on the premises of a food, drug or cosmetic establishment.

All toilet rooms shall be separate from the rooms where any processes incident to the production, manufacture, preparation, packing, storage, sale or distribution of food, drugs or cosmetics are carried on and shall be kept in a clean and sanitary condition.

NJ/KA8  
H4/F8  
1073 C1

**24:15-8. Expectorating.** No person shall expectorate in any room in a food, drug or cosmetic establishment used for the production, manufacture, preparation, packing, storage, sale or distribution of food, drugs or cosmetics.

**24:15-9. Sleeping in rooms of food, drug or cosmetic establishment.** No person shall be allowed to live or sleep in any room where food, drugs or cosmetics intended for sale or distribution are produced, manufactured, packed, stored, distributed or sold.

**24:15-10. Persons affected with communicable disease.** No employer shall require, permit or allow any person to work, nor shall any person work in any food, drug or cosmetic establishment who is ill or infected with a communicable disease as defined in section 26:4-1 of the Revised Statutes.

**24:15-11. Order to abate violation in lieu of prosecution.** Whenever a person shall violate any provision of this chapter the state department or local board may, in its discretion, instead of prosecuting such person for the recovery of any prescribed penalty, cause an order to be served on such person commanding him to discontinue or abate the violation or to make such improvement as may be necessary to abate the violation with a reasonable time to be fixed in the order by the state department or local board. The order shall be in writing and the person receiving it shall have the right to be heard either in person or by attorney by the department or board issuing the order.

**24:15-12. Furnishing and posting abstract of law.** Every person conducting a food, drug or cosmetic establishment shall upon request be furnished by the state department with an abstract of this chapter. The person receiving such abstract shall keep it posted in plain view in such place so that it can be easily read by the employees entering and leaving the establishment.

**24:15-13.** Every establishment falling within the scope of this chapter shall be licensed by the Commissioner of Health with a fee to be charged therefor, except that a license pursuant to this chapter need not be secured by any such establishment, the activities of which are subject to licensure pursuant to any other provision of this Title or to inspection and licensure by a local department of health, or the facilities and warehouses or growers and associations or organizations of growers of raw agricultural commodities and all raw agricultural commodity farm area sales and shipping points where such raw agricultural commodities are not subjected to processing other than washing, cleaning, cooling, waxing, grading, sizing and packaging.  
(Chapter 158, P.L. 1971)  
(Amended by Chapter 12, P.L. 1973)

**24:15-14.** Where no other fee is provided by law or regulation, the commissioner may in accordance with a fee schedule adopted by him as a rule or regulation establish and charge reasonable fees for any service performed in the licensing and inspection of any premises coming within the provisions of this chapter. The fees charged as provided for by this section shall be no more than \$250.00 based on criteria set forth in the rule or regulation.  
(Chapter 158, P.L. 1971)

**Regulations Governing the Licensing of Food and Cosmetic Manufacturing and Wholesale Establishments.**  
(Effective 3/30/73)

**Regulation 1. General Definitions.** As used in these regulations the following terms shall have the following meanings:  
Regulation 1 (a) and (b) Repealed. N.J. Register 3/8/73

(c) "Retail establishment" means any place engaged in the production, preparation, processing, manufacture, packing, storage, or handling of food or cosmetics for sale or distribution directly to the consumer.

(d) "Person" shall mean an individual or firm, partnership, company, corporation, trustee, association, or any public or

private entity.

**Regulation 2. Scope of Regulations.** Every establishment falling within the definitions of N.J.S.A. 24:15-1 must obtain a license from the department except as hereinafter exempted. A separate license shall be obtained for each food and cosmetic establishment operated within the state.

**Regulation 3. Exemptions.** The following establishments shall be exempt from the licensing provisions of Chapter 158, P.L. 1971, but shall comply with all other provisions of Chapter 15, Title 24, N.J.S.A., and all pertinent rules and regulations enforced by the department.

(a) Retail food and cosmetic establishments.

(b) Establishments subject to licensure under other provisions of Title 24, N.J.S.A.

(c) Establishments inspected and licensed by a local health department.

(d) Establishments engaged in the wholesale handling of raw shellfish (oysters, clams and mussels).

(e) Growers of raw agricultural commodities delivering their produce to food processing establishments.

**Regulation 4. License Requirement.**

(a) Every person owning or operating a food or cosmetic establishment within the state shall, prior to May 1 of each year, apply for a license to operate such establishment on forms provided by the department. The application shall have attached thereto an affidavit of the person or some member or officer of the association, partnership or corporation applying therefor, stating that the facts set forth therein are true and correct.

**Regulation 5. License Fees.**

(a) The department shall collect from each applicant for a license under the provisions of these regulations an annual fee in the following amounts:

(1) For each wholesale food or cosmetic establishment having an annual gross business of less than \$25,000, fifteen dollars (\$15.00); for each wholesale food or cosmetic establishment with a gross annual business in excess of \$25,000 but not in excess of \$50,000, twenty-five dollars (\$25.00); for each wholesale food or cosmetic establishment with a gross annual business in excess of \$50,000 but not in excess of \$100,000, forty dollars (\$40.00); for each wholesale food or cosmetic establishment with a gross annual business in excess of \$100,000 but not in excess of \$500,000, fifty dollars (\$50.00); for each wholesale food or cosmetic establishment with a gross annual business in excess of \$500,000 but not in excess of \$1,000,000, one hundred dollars (\$100.00) for each wholesale food or cosmetic establishment with a gross annual business in excess of \$1,000,000, two hundred dollars (\$200.00).

**Regulation 6.**

(a) Upon approval of the application for a license and of the sanitary condition of the food or cosmetic establishment and upon payment of the required license fee, the department shall issue to each applicant a license which shall expire April 30 of each year.

(b) Such license shall not be transferable with respect to persons or locations.

**Regulation 7.**

Upon evidence duly ascertained by the department or furnished to the department by any local board of health, that the licensee licensed under the provisions of this act is violating any of the rules, regulations or statutes as hereinbefore provided, the department shall upon hearing and proof of allegation, revoke the license of such licensee.

No such license shall be renewed or restored until the

department is satisfied that all the provisions of this act and pertinent rules and regulations are complied with.

The department, when in its judgment the protection of public health warrants, may, before hearing suspend such license pending the hearing, in which event it shall be unlawful for the licensee whose license is thus suspended to engage in the business for which the license was granted during such period of suspension.

#### **Rules on Public Posting of Food Establishment Reports.**

##### **N.J.A.C. 8.21-2.35 Public posting of inspection reports.**

(a) The operator of every food establishment shall post the most recent inspection report, subsequent to the effective date of this regulation, made by a licensed municipal, county, regional or state health department employee.

(b) Each such report shall be presented to the owner or manager of the establishment inspected at the completion of each inspection by the inspector with instructions that such report shall be posted in a conspicuous place near the public entrance of the establishment in such manner that the public may review the report.

(Effective Date: 12/15/72)

#### **Regulations Governing the Preparation, Distribution and Sale of Custard and Cream Filled Bakery Products.**

Filed with the Secretary of State: April 8, 1960 Effective Date: April 15, 1960.

**1. DEFINITIONS:** For the purpose of these regulations, custard or cream filled products are defined as any bakery product consisting in whole or in part of milk, milk products, eggs, shortening or other ingredients capable of supporting rapid and progressive growth of bacteria.

**2.** All commercially prepared custard or cream filled products shall be made under clean conditions.

**3.** All custard or cream filling mix shall be heated to a boiling temperature (not less than 212° F.) before and after the addition of a stabilizer or by such other method demonstrated to accomplish the same results.

**4.** Upon completion of the cooking of the custard or cream filling mix, it shall immediately be transferred into previously sterilized containers, properly covered, and chilled without delay to 50° F. or below and maintained at such temperature until sold.

**5.** The filling apparatus shall be of suitable impervious material and shall be cleaned and properly sterilized before each use. No cloth filling bags shall be used.

**6.** The hands of employees engaged in the preparation of custard or cream filled products shall not touch the custard or cream filling.

**7.** No pastries or other products containing custard or cream fillings shall be displayed in windows or showcases, except those that are chilled at 50° F. or below.

**8.** No pastries or other products containing custard or cream fillings shall be sold or delivered from vehicles, except such vehicles be equipped with refrigerated compartments maintained at a temperature of 50° F. or below.

#### **Regulations Governing the Operation of Bakeries, adopted under authority contained in Chapter 231 of the Laws of 1909 on November 16, 1937:**

**1.** No person affected with any communicable disease, or any venereal disease, and no person who is a "carrier" of a communicable disease, or who shall care for any person so affected, shall handle bakery products.

**2.** Every person while preparing bakery products shall be clean of person, wear clean, washable outer clothing, which shall be used for that purpose only; such operator shall avoid contact with any substance that may contaminate the bakery products.

**3.** Bakery floors shall be of smooth, tight material which can be readily cleaned and the floors shall be cleaned at the end of each working day.

**4.** The side walls and ceilings of all bakeries shall be of smooth, tight material which can be readily cleaned and shall be kept well painted and clean.

**5.** Bakery rooms shall be well lighted and ventilated.

**6.** Windows and window ledges shall be kept clean.

**7.** All outside openings in bakery rooms shall be screened from April 1 to November 1, and every precaution shall be taken to prevent the entrance of flies.

**8.** All work benches and shelves shall be of smooth, tight material and shall be kept clean.

**9.** All dough storage troughs, vats, etc., shall be of smooth, tight material. The outside as well as the inside of such troughs and vats shall be cleaned at the end of each working day.

**10.** The inside and outside of dough and cake mixing machines shall be cleaned after each use.

**11.** Suitable wash trays for cleaning utensils and equipment, with an abundant supply of hot and cold water, shall be provided.

**12.** Pans, bowls, sieves and other utensils used in the preparation of bakery products shall be cleaned after each use and stored in an orderly manner in a clean place.

**13.** Barrels and other containers used for the storage of ingredients used in the preparation of bakery products shall be kept clean both inside and outside.

**14.** Both the outside and the inside of steaming closets shall be kept clean.

**15.** Stoves, doughnut cookers, etc., shall be kept clean.

**16.** Both the inside and outside of refrigerations shall be kept clean.

**17.** Storage boxes and racks for bread, cakes, etc., shall be kept clean.

**18.** Filling devices for bakery products shall be of smooth metal and shall be dismantled and cleaned immediately after use.

**19.** Flour shall be stored on suitable racks and protected from contamination.

**20.** Clothing of employees shall not be stored in the bakery rooms.

**21.** A suitable basin, soap and clean towels shall be provided for the use of employees.

**22.** Suitable toilet facilities shall be provided when necessary and toilet rooms must be kept clean.

#### **Regulations Governing the Sterilization of Cooking, Eating and Drinking Utensils and Receptacles, Adopted by the Department of Health of the State of New Jersey, under authority contained in Chapter 231, Laws of 1909, on April 6, 1926.**

All hotels, restaurants, cafes, soda fountains, and other places where food is produced, manufactured, stored, cooked, prepared,

distributed and sold, or intended for sale for human consumption, shall be provided with adequate facilities for the treatment of cooking and eating utensils, by boiling water, or steam under pressure, or by other means which shall yield the same results; and all utensils intended for a second use, including pots, pans, dishes, plates, cups, saucers, glasses, and other containers repeatedly used for food, and all knives, forks, and food implements shall be subjected to treatment with boiling water or steam under pressure, for at least three minutes after each service, or by such other method that effective sterilization of each article shall be properly carried out between each use. Where sufficient or adequate sterilizing equipment has not been or cannot be installed as above specified, sanitary single service receptacles (paper cups and utensils) which are to be thrown away after being used may be adopted and used in whole or in part as a service.

**Regulations governing the preparation, handling and service of food in establishments where drugs, medicines, poisons and other substances injurious to health are handled, dispensed or sold, adopted by the Department of Health of the State of New Jersey, under authority contained in Chapter 231 of the Laws of 1909.**

**Adopted March 9, 1937**

1. The utensils, apparatus and equipment used in the preparation, handling and service of food, shall not be used in the handling, dispensing or preparation of drugs, medicines, poisons or other substances injurious to health. The utensils, apparatus and equipment used in the preparation, handling and service of

food shall be segregated from the equipment used in the handling, dispensing or preparation of drugs, medicines, poisons or other substances injurious to health.

2. The washing, and cleaning of utensils, apparatus and equipment used in the preparation, handling and service of food shall be performed with the use of sinks or other cleaning equipment separate and apart from those sinks or other cleaning equipment used in the cleaning of equipment used in handling, dispensing or preparation of drugs, medicines, poisons or other substances injurious to health.

3. Dishes, glasses, cooking and eating utensils, equipment and containers used in the preparation, service, sale and distribution of food or drugs shall not be washed, cleaned or stored in any room used as a bath room or toilet room, nor shall dishes, glasses, cooking and eating utensils, equipment or containers used in the preparation, service, sale or distribution of food or drugs be taken into any room used as a bath room or toilet room.

**24:17-1. Penalties.** Any person who shall violate any provision of this subtitle, or any rule or regulation of the state department made pursuant thereto, or who shall refuse to comply with any lawful order or directions of the department, shall be liable to the following penalties, unless otherwise specifically provided:

- a. For each first offense a penalty of fifty dollars;
- b. For each second offense a penalty of one hundred dollars;
- c. For each third and every subsequent offense a penalty of two hundred dollars.

M8700



NEW JERSEY STATE  
DEPARTMENT OF HEALTH  
P.O. BOX 1540  
TRENTON, N. J. 08625