

CHAPTER 24

**RETAIL FOOD ESTABLISHMENTS AND
FOOD AND BEVERAGE VENDING
MACHINES CHAPTER XII**

Authority

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

Source and Effective Date

R.2004 d.64, effective February 17, 2004.
See: 35 N.J.R. 1482(a), 36 N.J.R. 961(b).

Chapter Expiration Date

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

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Chapter 24, Retail Food Establishments and Food and Beverage Vending Machines, Chapter XII, was repealed and a new Chapter 24, Retail Food Establishments and Food and Beverage Vending Machines, Chapter XII, was adopted as R.1983 d.98, effective April 4, 1983,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 Subchapter 8, Temporary and Mobile Retail Food Establishments and Agricultural Markets, was repealed, new Subchapters 8 and 9 were adopted, and former Subchapters 9 through 13 were recodified as Subchapters 10 through 14, by R.1993 d.345, effective July 6,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).

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 Separability
- 8:24-1.3 Definitions

SUBCHAPTER 2. FOOD SUPPLIES

- 8:24-2.1 Source; protection; wholesomeness; misbranding
- 8:24-2.2 Frozen desserts
- 8:24-2.3 Shellfish source
- 8:24-2.4 Meat, meat products, poultry, poultry products and game
- 8:24-2.5 Eggs
- 8:24-2.6 Emergency occurrences
- 8:24-2.7 Salvaged foods

SUBCHAPTER 3. FOOD PROTECTION

- 8:24-3.1 General protection of foods
- 8:24-3.2 Food temperatures
- 8:24-3.3 Food preparation
- 8:24-3.4 Food storage
- 8:24-3.5 Food display and service
- 8:24-3.6 Food transportation
- 8:24-3.7 Poisonous and toxic materials

SUBCHAPTER 4. FOOD SERVICE PERSONNEL

- 8:24-4.1 Health and disease controls
- 8:24-4.2 Hygiene practices
- 8:24-4.3 Handwashing
- 8:24-4.4 Clothing

SUBCHAPTER 5. FOOD EQUIPMENT AND UTENSILS

- 8:24-5.1 Design, construction and materials
- 8:24-5.2 Equipment installation and location
- 8:24-5.3 Equipment and utensil cleanliness
- 8:24-5.4 Equipment and utensil sanitization
- 8:24-5.5 Methods and facilities for washing and sanitizing
- 8:24-5.6 Storage and handling of cleaned equipment and utensils
- 8:24-5.7 Single service articles

SUBCHAPTER 6. SANITARY FACILITIES AND CONTROLS

- 8:24-6.1 Adequacy, safety and quality of water
- 8:24-6.2 Transporting and dispensing water
- 8:24-6.3 Ice
- 8:24-6.4 Steam
- 8:24-6.5 Sewage
- 8:24-6.6 Size, installation and maintenance of plumbing
- 8:24-6.7 Drains

- 8:24-6.8 Toilet facilities
- 8:24-6.9 Handwashing facilities
- 8:24-6.10 Garbage and rubbish disposal facilities
- 8:24-6.11 Vermin control

SUBCHAPTER 7. OTHER FACILITIES AND OPERATIONS

- 8:24-7.1 Floors, walls and ceilings
- 8:24-7.2 Lighting
- 8:24-7.3 Ventilation
- 8:24-7.4 Housekeeping
- 8:24-7.5 Live birds and animals

SUBCHAPTER 8. TEMPORARY RETAIL FOOD ESTABLISHMENTS AND AGRICULTURAL MARKETS

- 8:24-8.1 General provisions
- 8:24-8.2 Restricted operations
- 8:24-8.3 Sources of ice
- 8:24-8.4 Wet storage of food and beverages
- 8:24-8.5 Food contact surfaces
- 8:24-8.6 Equipment
- 8:24-8.7 Single service articles
- 8:24-8.8 Water supply
- 8:24-8.9 Handwashing facilities
- 8:24-8.10 Liquid waste
- 8:24-8.11 Floors
- 8:24-8.12 Walls and ceilings

SUBCHAPTER 9. MOBILE RETAIL FOOD ESTABLISHMENTS

- 8:24-9.1 General provisions
- 8:24-9.2 Single service articles
- 8:24-9.3 Base of operations
- 8:24-9.4 Servicing area
- 8:24-9.5 Servicing operations
- 8:24-9.6 Water supply
- 8:24-9.7 Handwashing facilities
- 8:24-9.8 Liquid waste

SUBCHAPTER 10. ENFORCEMENT PROVISIONS

- 8:24-10.1 Legal authority
- 8:24-10.2 Inspection of retail food establishments
- 8:24-10.3 Examination of records
- 8:24-10.4 Examination and condemnation of unwholesome contaminated or adulterated food and drink
- 8:24-10.5 Retail food establishments outside jurisdiction
- 8:24-10.6 Closure for infection
- 8:24-10.7 Penalties
- 8:24-10.8 Public posting of inspection reports
- 8:24-10.9 Public availability of inspection records
- 8:24-10.10 Report of inspections
- 8:24-10.11 Evaluation of reports
- 8:24-10.12 Interpretations

SUBCHAPTER 11. REVIEW OF PLANS, MANAGER TRAINING AND CERTIFICATION

- 8:24-11.1 Submission of plans
- 8:24-11.2 Pre-operational inspection
- 8:24-11.3 Food manager certification

SUBCHAPTER 12. SANITARY REQUIREMENTS FOR THE VENDING OF FOOD AND BEVERAGES

- 8:24-12.1 Food supplies
- 8:24-12.2 Food protection
- 8:24-12.3 Special requirements
- 8:24-12.4 Personal cleanliness
- 8:24-12.5 Interior construction and maintenance
- 8:24-12.6 Exterior construction and maintenance
- 8:24-12.7 Equipment location

- 8:24-12.8 Single service articles
- 8:24-12.9 Other equipment
- 8:24-12.10 Water supply
- 8:24-12.11 Waste disposal
- 8:24-12.12 Inspection frequency
- 8:24-12.13 Access for inspections
- 8:24-12.14 through 8:24-12.15 (Reserved)

SUBCHAPTER 13. ADDITIONAL REQUIREMENTS

- 8:24-13.1 Boiler water additives and chemical sanitizing solutions
- 8:24-13.2 Choking prevention posters
- 8:24-13.3 Smoking in restaurants and food stores

SUBCHAPTER 14. COMMUNITY RESIDENCE AND BED AND BREAKFAST RETAIL FOOD ESTABLISHMENTS

- 8:24-14.1 Scope; purpose
- 8:24-14.2 General provisions
- 8:24-14.3 Food supplies
- 8:24-14.4 Food protection and temperatures
- 8:24-14.5 Preparation of food
- 8:24-14.6 Food storage
- 8:24-14.7 Poisonous materials
- 8:24-14.8 Personal health and hygiene
- 8:24-14.9 Food equipment and utensils
- 8:24-14.10 Water and sewage
- 8:24-14.11 Toilet facilities
- 8:24-14.12 Garbage disposal
- 8:24-14.13 Vermin control
- 8:24-14.14 Other facilities and operations

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.

Case Notes

The appropriate municipal or county board of health or local health agency has the responsibility to institute judicial proceedings to close food service and preparation areas of county facilities and jails. Atty. Gen.F.O.1977, No. 16.

The department of health or the appropriate local board or health agency may sue to recover monetary penalties for violations of the state sanitary code. Atty.Gen.F.O.1977, No. 16.

8:24-1.2 Separability

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

8:24-1.3 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:

“Adulteration” means the definition in N.J.S.A. 24:5-8.