State of Connecticut
Regulation of
Department of Consumer Protection
Concerning
Sanitary Standards for Food Establishments

Section 1. Subsection (2) of Section 21a-101-1 of the Regulations of Connecticut State Agencies is hereby amended as follows:

Sec. 21a-101-1. Statement of purpose

(a) The purpose of these regulations is to provide definitive sanitary standards for food establishments. Section 21a-101 (a) (4) of the Connecticut General Statutes provides that a food will be deemed to be adulterated if it has been produced, prepared, packed or held under unsanitary conditions whereby it may become contaminated with filth or whereby it may have been rendered diseased, unwholesome or injurious to health. A substantial failure to comply with these regulations will constitute such unsanitary conditions.

(b) The United States Food and Drug Administration Food Code, as amended from time to time by the Conference for Food Protection, and published and adopted by the United States Food and Drug Administration and the United States Department of Health and Human Services, is adopted and herein incorporated by reference as the sanitary standards for this state.

Sec. 2. Section 21a-101-2 of the Regulations of Connecticut State Agencies is hereby amended as follows:

Sec. 21a-101-2. Definitions

Definitions promulgated under the United States Food and Drug Administration Code, as amended from time to time by the Conference for Food Protection, and published and adopted by the United States Food and Drug Administration, and the United States Department of Health and Human Services, shall be the definitions of this regulation with the following additions:

(1) "Commissioner" means the Commissioner of Consumer Protection;

[(2)] ["Contaminated with filth" applies to any food, drug, device or cosmetic not securely protected from dust or dirt, and as far as may be necessary, by all reasonable means, from all foreign or injurious contaminations;]

[(3)] ["Corrosion-resistant material" means a material that maintains its original surface characteristics under prolonged influence of food, cleaning compounds, and sanitizing solutions that may come in contact with it;]

[(4)](2) "Director" means the Director of the Division of Food and Standards of the Department of Consumer Protection;

[(5)] ["Easily cleanable" means readily accessible and of such material and finish, and so fabricated, that residues may be completely removed by usual cleaning methods;]

[(6)] ["Employee" means any person working in a food establishment;]

[(7)] ["Food" means (i) articles used for food or drink for man or other animals, and (ii) chewing

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gum, and (iii) articles used for components of any such article;

[(8)] ["Food contact surfaces" means those surfaces of equipment and utensils with which food normally comes in contact;]

[(9)](3) "Food Establishment" means any establishment in which food is stored, offered for sale, processed, or prepared, other than an eating or drinking establishment, and includes the transportation of any food;

[(10)](4) "Inspector" means an employee or official of the department of consumer protection authorized by the commissioner;

[(11)](5) "Operator" means any person who (i) alone or jointly or severally with others owns a food establishment, or (ii) has care, charge or control of a food establishment as agent or manager for the owner or as an independent contractor;

[(12)] ["Potentially hazardous foods" means any food of such type or condition capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms, which include any product consisting in whole or in part of milk or milk products, shell eggs or egg products, meat, poultry, fish, shellfish, or other ingredients. Potentially hazardous foods does not include:]

[(A)] [air dried hard boiled eggs with shells intact;]

[(B)] [foods with a water activity (aw) value of 0.85 or less;]

[(C)] [foods with a hydrogen concentration (pH) level of 4.6 or below;]

[(D)] [foods in unopened hermetically sealed containers, which have been commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution; or]

[(E)] [foods for which laboratory evidence demonstrates that rapid and progressive growth of infectious and toxigenic microorganisms cannot occur.]

[(13)] ["Perishable foods" means any food that may spoil;]

[(14)] ["Ready-to-eat" means food that is in a form or is advertised as a food that is edible without additional preparation; and]

[(15)] ["Sanitize" means effective bacterial treatment of clean surfaces or equipment and utensils by a process which is effective in destroying micro organisms, including but not limited to pathogens]

Sec. 3. Section 21a-101-7 of the Regulations of Connecticut State Agencies is hereby amended as follows:

Sec. 21a-101-7. Source of food

(a) All food shall be from an approved source and shall be clean, wholesome, free from spoilage, decay, or misbranding, and safe for human consumption. All food products, while being stored, prepared, or transported, shall be handled so as to prevent their becoming contaminated with filth. Food shall be protected from cross contamination by separating raw animal foods by species and by separating raw animal foods from raw ready-to-eat foods and ready-to-eat foods.

(b) All food products shall meet the standards of identity established for such products under applicable federal and state regulations, codes, or statutes.

[(c)] [All fresh and frozen oysters, clams, mussels, and other shell fish shall be from approved sources.]

[(1)] [All shell stock tags/labels shall be retained for 90 days from the date that the container is emptied.]

[(2)] [Before service or sale in ready-to-eat form, raw, raw-marinated, partially cooked, or marinated-partially cooked fish other than molluscan shellfish and tuna of the species thunnus alalunga, thunnus albacares (yellowfin tuna), thunnus atlanticus, thunnus maccoyii (bluefin tuna,

southern), thunnus obesus (bigeye tuna), or thunnus thynnus (bluefin tuna, northern) shall be frozen and stored at a temperature of -4 degrees Fahrenheit (-20 degrees Celsius) or below for 168 hours (7 days) in a freezer; or frozen at -31 degrees Fahrenheit (-35 degrees Celsius) or below until solid and stored at -31 degrees Fahrenheit (-35 degrees Celsius) for 15 hours. If raw, raw-marinated, partially cooked, or marinated-partially cooked fish are served or sold in ready-to-eat form, the person in charge shall record the freezing temperature and time to which the fish are subjected and shall retain the records of the food establishment for 90 calendar days beyond the time of service or sale of the fish.]

[(d)](c) All baked goods, frozen desserts, and non-alcoholic beverages manufactured or offered for sale in a food establishment shall have been manufactured or produced in a facility duly licensed by the Connecticut Department of Consumer Protection.

[(e)](d) All meat and meat products and all poultry and poultry products held or sold in food establishments shall have been inspected for wholesomeness under an official regulatory program. The temperature in meat storage rooms shall be 41 degrees Fahrenheit or lower. The temperature in meat cutting and wrapping rooms shall be maintained to insure that the temperature of the meat shall be 45 degrees Fahrenheit or lower.

[(f)] [All potentially hazardous foods shall be stored and transported at the safe temperature of 45 degrees Fahrenheit or below or 135 degrees Fahrenheit or above in order to protect against rapid and progressive growth of infectious or toxigenic microorganisms. Potentially hazardous foods shall be thawed at refrigerated temperatures of 45 degrees Fahrenheit (7 degrees Celsius) or below; or under cool potable running water 70 degrees (21 degrees Celsius) or below; or quick thawed as part of the cooking process. Potentially hazardous products stored in open display cases shall not be stacked above the load level line.]

[(g)] [All perishable foods shall be stored at such temperature as will protect against spoilage.]

[(h)] [All food products shall have been prepared in a commercial food processing establishment; provided, that the director may accept other sources which are in his opinion satisfactory and which are in compliance with applicable state and local laws and regulations.]

[(i)] [All non-acid and low-acid hermetically sealed foods shall have been processed in commercial food processing establishments.]

[(j)] [All potentially hazardous foods shall be cooked to heat all parts of the food to a temperature and for a time that complies with one of the following methods based on the food that is being cooked:]

[(1)] [165 degrees Fahrenheit (74 degrees Celsius) or above for 15 seconds for poultry, wild game animals, stuffed fish, stuffed meat, stuffed pasta, stuffed poultry, stuffed ratites, or stuffing containing fish, meat, poultry, or ratites except that raw animal foods cooked in a microwave oven shall also be rotated, stirred, and covered during the cooking process;]

[(2)] [155 degrees Fahrenheit (68 degrees Celsius) or above for 15 seconds for eggs not prepared for immediate service, and comminuted foods containing fish, meats, game animals, and ratites; and]

[(3)] [145 degrees Fahrenheit (63 degrees Celsius) or above for 15 seconds for all other potentially hazardous foods.]

[(k)] [All potentially hazardous foods shall be reheated so that all parts of the food reach 165 degrees Fahrenheit (74 degrees Celsius) in less than 2 hours.]

[(l)] [Ready-to-eat food taken from a commercially processed, hermetically sealed container, or from an intact package from a food processing plant that is inspected by the food regulatory authority that has jurisdiction over the plant, shall be heated to a temperature of at least 135 degrees Fahrenheit (60 degrees Celsius) for hot holding.

[(m)] [Cooked potentially hazardous food shall be cooled from 135 degrees Fahrenheit (60

degrees Celsius) to 70 degrees Fahrenheit (21 degrees Celsius) within 2 hours, and from 70 degrees Fahrenheit (21 degrees Celsius) to 45 degrees Fahrenheit (7 degrees Celsius) or below within 4 additional hours. Potentially hazardous food shall be cooled within 4 hours to 45 degrees Fahrenheit (7 degrees Celsius) or below if prepared from ingredients at ambient temperature, such as reconstituted foods and canned tuna.]

[(n)] [If time only, rather than time and temperature, is used for a working supply of potentially hazardous food before cooking, or for ready-to-eat potentially hazardous food that is displayed or held for service for immediate consumption, such food shall be marked to indicate when the food was removed from temperature control, and shall be cooked and/or served within 4 hours from the time the food was removed from temperature control. Food that is in unmarked containers or packages or exceeds the 4 hour limit shall be discarded.]

Sec. 4. Section 21a-101-8 of the Regulations of Connecticut State Agencies is hereby amended as follows:

Sec. 21a-101-8. Administrative provisions

[(a)] [The operator of any food establishment who in good faith and for valid and sufficient reasons finds it impossible to comply with certain of Sections 21a-101-1 to 21a-101-8, inclusive, of the Regulations of Connecticut State Agencies may, within 90 days of the effective date of Sections 21a-101-1 to 21a-101-8, inclusive, of the Regulations of Connecticut State Agencies, make written application to the commissioner for dispensation therefrom. Such dispensation will be permitted only if the establishment is maintained in the highest possible state of repair and is capable of being maintained in a sanitary condition.]

[(b)] [Food establishments constructed after the effective date of Sections 21a-101-1 to 21a-101-8, inclusive, of the Regulations of Connecticut State Agencies and establishments which are extensively altered after said date shall strictly comply with Sections 21a-101-1 to 21a-101-8, inclusive, of the Regulations of Connecticut State Agencies.]

[(c)] [Sections 21a-101-1 to 21a-101-8, inclusive, of the Regulations of Connecticut State Agencies shall not apply to the direct sale of produce at farmers' roadside stands provided that such roadside stands shall not market or offer for sale any type of potentially hazardous foods unless they meet the sanitary standards prescribed in Sections 21a-101-1 to 21a-101-8, inclusive, of the Regulations of Connecticut State Agencies.]

[(d)](a) All food establishments within this state shall be subject to periodic investigations by inspectors duly authorized by the commissioner. Following the completion of an investigation, the inspector shall file a written report of his findings. A copy of this report will be left with the operator or an authorized representative of the food establishment so investigated.

[(e)](b) Failure by any food establishment to fully comply with all corrective actions recommended by an inspector shall cause all food products stored or offered for sale therein to be deemed to be "adulterated" within the meaning of Section 21a-101 of the Connecticut General Statutes. The sale of such adulterated food shall subject the operator of such food establishment to the penalties enumerated in Section 21a-95 of the Connecticut General Statutes.

[(f)](c) Prior to reporting any violation to a prosecuting attorney, the commissioner or his duly authorized representative shall notify the operator in writing, advising him of the reasons for which such disciplinary action is being contemplated. The notice shall specify a time, date and place for an informal hearing before the commissioner to be held pursuant to the provisions of Section 21a-97 (b) of the Connecticut General Statutes.

[(g)](d) At the hearing the respondent will be given an adequate opportunity to be heard and to

show why disciplinary action is not warranted. The respondent may be accompanied by counsel, if he so chooses.

[(h)](e) If the respondent offers no satisfactory explanation for his failure to eliminate the alleged unsanitary conditions, the violations will be duly reported to a prosecuting attorney for the institution of criminal proceedings.

[(i)](f) The commissioner is additionally authorized to apply to the Superior Court for a temporary and permanent injunction restraining the respondent from further violations of the Uniform Food, Drug and Cosmetic Act, whether or not there exists an adequate remedy at law. This authority is derived from Section 21a-94 of the Connecticut General Statutes.

[(j)](g) Any person allegedly aggrieved by the decision of the commissioner at such a hearing may appeal the decision by initiating appropriate proceedings in the Superior Court for the judicial district of Hartford.

Sec. 5. Sections 21a-101-3, 21a-101-4, 21a-101-5 and 21a-101-6 of the Regulations of Connecticut State Agencies are hereby repealed.

Statement of Purpose

The purpose of these regulations is to promote uniformity with national standards for food safety in retail food establishments regulated by the Department. Connecticut splits jurisdiction with Public Health related to retail foods with Consumer Protection's focus on manufactured and packaged food preparation and sale at retail. This is mentioned pursuant to a recently announced effort by Public Health to adopt the Food Code.

In summary these regulations promote uniformity in the regulation of food for retail sale in the State of Connecticut.

The legal effect of this proposal would be to adopt as State regulations the United States Food and Drug Administration Model Food Code.