

3717-1-03.7

Food: special requirements for highly susceptible populations.

[Comment: For publication dates of the C.F.R. referenced in this rule, see paragraph (B) (15)(b) of rule 3717-1-01 of the Administrative Code.]

In a food service operation or retail food establishment that serves a highly susceptible population:

(A) The following criteria apply to juice:

- (1) For the purposes of paragraph (A) of this rule, children who are nine years of age or less and receive food in a school, day care setting, or similar facility that provides custodial care are included as highly susceptible populations;
- (2) Prepackaged juice or a prepackaged beverage containing juice, that bears a warning label as specified in 21 C.F.R. 101.17(g), that has not been specifically processed to prevent, reduce, or eliminate the presence of pathogens, or a packaged juice or beverage containing juice, that bears a warning label as specified in rule 3717-1-08 of the Administrative Code, ~~may not~~cannot be served or offered for sale; and
- (3) Unpackaged juice that is prepared on the premises for service or sale in a ready-to-eat form ~~shall~~is obligated to be processed under a HACCP plan and as specified in 21 C.F.R. 120.24. This is not intended to include freshly prepared fruit or vegetable purees that are prepared on-site that are not beverages or ingredients of beverages.

(B) Food employees ~~may~~are not permitted to contact ready-to-eat food as specified under paragraph (A)(2) of rule 3717-1-03.2 of the Administrative Code.

(C) The following foods ~~may~~are not permitted to be served or offered for sale in a ready-to-eat form:

- (1) Raw animal foods such as raw fish, raw-marinated fish, raw molluscan shellfish, and steak tartare;
- (2) A partially cooked animal food such as lightly cooked fish, rare meat, soft-cooked eggs that are made from raw eggs, and meringue; ~~and~~
- (3) Raw seed sprouts; and
- (4) Packaged food as specified under paragraph (E) of rule 3717-1-03.3 of the Administrative Code.

(D) Pasteurized eggs or egg products ~~shall~~are to be substituted for raw eggs in the preparation of:

(1) Foods such as Caesar salad, hollandaise or Bearnaise sauce, mayonnaise, meringue, eggnog, ice cream, and egg-fortified beverages; and

(2) Recipes in which more than one egg is broken and the eggs are combined, unless:

(a) The raw eggs are combined immediately before cooking for one consumer's serving at a single meal, cooked as specified under paragraph (A)(1)(a) of rule 3717-1-03.3 of the Administrative Code, and served immediately, such as an omelet, souffle, or scrambled eggs;

(b) The raw eggs are combined as an ingredient immediately before baking and the eggs are thoroughly cooked to a ready-to-eat form, such as a cake, muffin, or bread; or

(c) The preparation of the food is conducted under a HACCP plan that:

(i) Identifies the food to be prepared;

(ii) ~~Prohibits~~Prevents contacting ready-to-eat food with bare hands;

(iii) Includes specifications and practices that ensure:

(a) Salmonella Enteritidis growth is controlled before and after cooking; and

(b) Salmonella Enteritidis is destroyed by cooking the eggs according to the temperature and time specified in paragraph (A)(1)(b) of rule 3717-1-03.3 of the Administrative Code.

(iv) Contains HACCP information as specified in paragraph (L) of rule 3717-1-03.4 of the Administrative Code, and includes procedures that:

(a) Control cross contamination of ready-to-eat food with raw eggs; and

(b) Delineate cleaning and sanitization procedures for food-contact surfaces; and

- (v) Describes the training program that ensures ~~that~~ the food employee responsible for the preparation of the food understands the procedures to be used.
- (E) Time only, as the public health control as specified under paragraph (I)(4) of rule 3717-1-03.4 of the Administrative Code, ~~may not~~cannot be used for raw eggs.
- (F) Food may be re-served as specified under paragraphs (X)(2) and (X)(3) of rule 3717-1-03.2 of the Administrative Code, except that:
 - (1) Any food served to patients or clients who are under contact precautions in medical isolation or quarantine, or protective environment isolation ~~may~~is not to be re-served to others outside.
 - (2) Packages of food from any patients, clients, or other consumers should not be re-served to persons in protective environment isolation.

Effective:

Five Year Review (FYR) Dates: 6/14/2024

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 3717.04, 3717.05
Rule Amplifies: 3717.04, 3717.05
Prior Effective Dates: 03/01/2001, 03/01/2005, 03/01/2009, 01/01/2013,
03/01/2019