

Title 20. Public Health and Welfare

Chapter I. Generally, Department of Health

Subchapter G. Rules Pertaining to Retail Food Establishments

Part 191. Management and Personnel

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Promulgated Under Authority of Ark. Code Ann. §§ 20-7-101 through 20-7-130, §§ 20-56-201 through 20-56-223, and §§ 20-57-201 through 20-57-208."

"Effective October __, 2022"

"AUTHORITY

The following Rules Pertaining to Retail Food Establishments are duly adopted and promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by the Laws of the State of Arkansas including, without limitation, Act 96 of 1913 (Ark. Code Ann. §§ 20-56-201 through 20-56-223) and Act 357 of 1977 (Ark. Code Ann. §§ 20-57-201 through 20-57-208)."

"1-101.10 SEVERABILITY

If any provision of THESE RULES or the application thereof to any PERSON is held invalid, such invalidity shall not affect other provisions of applications of THESE RULES which can affect the invalid provisions of applications, and to this end the provisions hereto are declared severable."

"1-101.11 REPEAL

All Rules and parts of Rules in conflict herewith are hereby repealed."

"CERTIFICATION

This will certify that the foregoing revisions to the Rules Pertaining to Retail Food Establishments in Arkansas were adopted by the State Board of Health of Arkansas at a regular session of said Board held in Little Rock, Arkansas, on the 22nd day of July, 2021."

Subpart 1. Supervision

20 CAR § 191-101. Responsibility — Assignment.*

(a) Except as specified in subdivision (a)(2)(B) of this section, the permit holder shall be the person in charge or shall designate a person in charge and shall ensure that a person in charge is present at the retail food establishment during all hours of operation. ^{Pf}

(b) In a retail food establishment with two (2) or more separately permitted departments that are the legal responsibility of the same permit holder and that are located on the same premises, the permit holder may, during specific time periods when food is not being prepared, packaged, or served, designate a single person in charge who is present on the premises during all hours of operation and who is responsible for each separately permitted retail food establishment on the premises. ^{Pf}

Authority. Arkansas Code §§ 20-56-219, 20-57-209.

20 CAR § 191-102. Knowledge.

(a) Demonstration.*

(1) Based on the risks inherent to the food operation, during inspections and upon request the person in charge shall demonstrate to the regulatory authority knowledge of foodborne disease prevention, application of the hazard analysis critical control point principles, and the requirements of this subchapter.

(2) The person in charge shall demonstrate this knowledge by:

(A) Complying with this subchapter by having no violations of priority items during the current inspection; ^{Pf}

(B) Being a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program; ^{Pf} or

(C)(i) Responding correctly to the inspector's questions as they relate to the specific food operation.

(ii) The areas of knowledge include:

(a) Describing the relationship between the prevention of foodborne disease and the personal hygiene of a food employee; ^{Pf}

(b) Explaining the responsibility of the person in charge for preventing the transmission of foodborne disease by a food employee who has a disease or medical condition that may cause foodborne disease; ^{Pf}

(c) Describing the symptoms associated with the diseases that are transmissible through food; ^{Pf}

(d) Explaining the significance of the relationship between maintaining the time and temperature of time/temperature control for safety food and the prevention of foodborne illness; ^{Pf}

(e) Explaining the hazards involved in the consumption of raw or undercooked meat, poultry, eggs, and fish; ^{Pf}

(f) Stating the required food temperatures and times for safe cooking of time/temperature control for safety food including meat, poultry, eggs, and fish; ^{Pf}

(g) Stating the required temperatures and times for the safe refrigerated storage, hot holding, cooling, and reheating of time/temperature control for safety food; ^{Pf}

(h) Describing the relationship between the prevention of foodborne illness and the management and control of the following:

(1) Cross-contamination; ^{Pf}

(2) Hand contact with ready-to-eat foods; ^{Pf}

(3) Handwashing; ^{Pf} and

(4) Maintaining the retail food establishment in a clean condition and in good repair; ^{Pf}

(i) Describing foods identified as major food allergens and the symptoms that a major food allergen could cause in a sensitive individual who has an allergic reaction; ^{Pf}

(j) Explaining the relationship between food safety and providing equipment that is:

(1) Sufficient in number and capacity; ^{Pf} and

(2) Properly designed, constructed, located, installed, operated, maintained, and cleaned; ^{Pf}

(k) Explaining correct procedures for cleaning and sanitizing utensils and food-contact surfaces of equipment; ^{Pf}

(l) Identifying the source of water used and measures taken to ensure that it remains protected from contamination such as providing protection from backflow and precluding the creation of cross-connections; ^{Pf}

(m) Identifying poisonous or toxic materials in the retail food establishment and the procedures necessary to ensure that they are safely stored, dispensed, used, and disposed of according to this subchapter; ^{Pf}

(n) Identifying critical control points in the operation from purchasing through sale or service that when not controlled may contribute to the transmission of foodborne illness and explaining steps taken to ensure that the points are controlled in accordance with the requirements of this subchapter; ^{Pf}

(o) Explaining the details of how the person in charge and food employees comply with the HACCP plan if a plan is required by the law, this subchapter, or an agreement between the regulatory authority and the retail food establishment; ^{Pf}

(p) Explaining the responsibilities, rights, and authorities assigned by this subchapter to the:

(1) Food employee; ^{Pf}

(2) Conditional employee; ^{Pf}

(3) Person in charge; ^{Pf} and

(4) Regulatory authority; ^{Pf} and

(q) Explaining how the person in charge, food employees, and conditional employees comply with reporting responsibilities and exclusion or restriction of food employees. ^{Pf}

(b) Certified food protection manager.

(1)(A) At least one (1) employee that has supervisory and management responsibility and the authority to direct and control food preparation and service shall be a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program.

(B) **Note.** Establishments permitted after the effective date of this subchapter have twelve (12) months from the date the permit is issued to comply with this section.

(2) This section does not apply to certain types of retail food establishments deemed by the regulatory authority to pose minimal risk of causing, or contributing to, foodborne illness based on the nature of the operation and extent of food preparation, including:

(A) Retail food establishments that only provide commercially prepackaged foods; or

(B) Retail food establishments providing only low-risk non-time/temperature control for safety foods that are approved by the regulatory authority.

(c) Food protection manager certification.

(1) A person in charge who demonstrates knowledge by being a food protection manager that is certified by a food protection manager certification program that is evaluated and listed by a Conference for Food Protection-recognized accrediting agency as conforming to the Conference for Food Protection Standards for Accreditation of Food Protection Manager Certification Programs is deemed to comply with subdivision (a)(2)(B) of this section.

(2) A retail food establishment that has an employee that is certified by a food protection manager certification program that is evaluated and listed by a Conference for Food Protection-recognized accrediting agency as conforming to the Conference for

Food Protection Standards for Accreditation of Food Protection Manager Certification Programs is deemed to comply with subsection (b) of this section.

Authority. Arkansas Code §§ 20-56-219, 20-57-209.

20 CAR § 191-103. Duties.

Person in charge. The person in charge shall ensure that:

(1) Retail food establishment operations are not conducted in a private home or in a room used as living or sleeping quarters as specified under 20 CAR § 195-202(a); ^{Pf}

(2) Persons unnecessary to the retail food establishment operation are not allowed in the food preparation, food storage, or ware washing areas, except that brief visits and tours may be authorized by the person in charge if steps are taken to ensure that exposed food, clean equipment, utensils, and linens, and unwrapped single-service and single-use articles are protected from contamination; ^{Pf}

(3) Employees and other persons such as delivery and maintenance persons and pesticide applicators entering the food preparation, food storage, and ware washing areas comply with this subchapter; ^{Pf}

(4) Employees are effectively cleaning their hands, by routinely monitoring the employees' handwashing; ^{Pf}

(5) Employees are visibly observing foods as they are received to determine that they are from approved sources, delivered at the required temperatures, protected from contamination, unadulterated, and accurately presented, by routinely monitoring the employees' observations and periodically evaluating foods upon their receipt; ^{Pf}

(6) Employees are verifying that foods delivered to the retail food establishment during nonoperating hours are from approved sources and are placed into appropriate storage locations such that they are maintained at the required temperatures, protected from contamination, unadulterated, and accurately presented;

^{Pf}

(7) Employees are properly cooking time/temperature control for safety food, being particularly careful in cooking those foods known to cause severe foodborne illness and death, such as eggs and comminuted meats, through daily oversight of the employees' routine monitoring of the cooking temperatures using appropriate temperature measuring devices properly scaled and calibrated as specified under 20 CAR §§ 193-203(a) and 193-502(a)(2); ^{Pf}

(8) Employees are using proper methods to rapidly cool time/temperature control for safety foods that are not held hot or are not for consumption within four (4) hours, through daily oversight of the employees' routine monitoring of food temperatures during cooling; ^{Pf}

(9) Consumers who order raw or partially cooked ready-to-eat foods of animal origin are informed as specified under 20 CAR § 192-603 that the food is not cooked sufficiently to ensure its safety; ^{Pf}

(10) Employees are properly sanitizing cleaned multiuse equipment and utensils before they are reused, through routine monitoring of solution temperature and exposure time for hot water sanitizing, and chemical concentration, pH, temperature, and exposure time for chemical sanitizing; ^{Pf}

(11) Consumers are notified that clean tableware is to be used when they return to self-service areas such as salad bars and buffets as specified under 20 CAR § 192-304(f); ^{Pf}

(12) Except when approval is obtained from the regulatory authority as specified in 20 CAR § 192-301(a)(4), employees are preventing cross-contamination of ready-to-eat food with bare hands by properly using suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment; ^{Pf}

(13) Employees are properly trained in food safety, including food allergy awareness, as it relates to their assigned duties; ^{Pf}

(14) Food employees and conditional employees are informed in a verifiable manner of their responsibility to report in accordance with law, to the person in charge, information about their health and activities as they relate to diseases that are transmissible through food, as specified under 20 CAR § 191-201(a); ^{Pf} and

(15) Written procedures and plans, where specified by this subchapter and as developed by the retail food establishment, are maintained and implemented as required. ^{Pf}

Authority. Arkansas Code §§ 20-56-219, 20-57-209.

Subpart 2. Employee Health

20 CAR § 191-201. Disease or medical condition.

(a) Responsibility of the permit holder, person in charge, and conditional employees. *

(1)(A) The permit holder shall require food employees and conditional employees to report to the person in charge information about their health and activities as they relate to diseases that are transmissible through food.

(B) A food employee or conditional employee shall report the information in a manner that allows the person in charge to prevent the risk of foodborne disease transmission, including providing necessary additional information, such as the date of onset of symptoms and an illness or of a diagnosis without symptoms, if the food employee or conditional employee:

(i) Has any of the following symptoms:

(a) Vomiting; ^P

(b) Diarrhea; ^P

(c) Jaundice; ^P

(d) Sore throat with fever; ^P or

(e) A lesion containing pus such as a boil or infected wound that is open or draining and is on:

(1) The hands or wrists, unless an impermeable cover such as a finger cot or stall protects the lesion and a single-use glove is worn over the impermeable cover; ^P

(2) Exposed portions of the arms, unless the lesion is protected by an impermeable cover; ^P or

(3) Other parts of the body, unless the lesion is covered by a dry, durable, tight-fitting bandage; ^P

(ii) Has an illness diagnosed by a health practitioner due to:

(a) Norovirus; ^P

(b) Hepatitis A virus; ^P

(c) Shigella spp.; ^P

(d) Shiga toxin-producing Escherichia coli; ^P

(e) Salmonella Typhi; ^P or

(f) Nontyphoidal Salmonella; ^P

(iii) Had a previous illness diagnosed by a health practitioner within the past three (3) months due to Salmonella Typhi, without having received antibiotic therapy, as determined by a health practitioner; ^P

(iv) Has been exposed to, or is the suspected source of, a confirmed disease outbreak because the food employee or conditional employee consumed or prepared food implicated in the outbreak or consumed food at an event prepared by a person who is infected or ill with:

(a) Norovirus within the past forty-eight (48) hours of the last exposure; ^P

(b) Shiga toxin-producing Escherichia coli or Shigella spp. within the past three (3) days of the last exposure; ^P

(c) Salmonella Typhi within the past fourteen (14) days of the last exposure; ^P or

(d) Hepatitis A virus within the past thirty (30) days of the last exposure; ^P or

(v) Has been exposed by attending or working in a setting where there is a confirmed disease outbreak, or living in the same household as and having knowledge about an individual who works or attends a setting where there is a

confirmed disease outbreak, or living in the same household as and having knowledge about an individual diagnosed with an illness caused by:

(a) Norovirus within the past forty-eight (48) hours of the last exposure; ^P

(b) Shiga toxin-producing Escherichia coli or Shigella spp. within the past three (3) days of the last exposure; ^P

(c) Salmonella Typhi within the past fourteen (14) days of the last exposure; ^P or

(d) Hepatitis A virus within the past thirty (30) days of the last exposure. ^P

(2) The person in charge shall notify the regulatory authority when a food employee is:

(A) Jaundiced; ^{Pf} or

(B) Diagnosed with an illness due to a pathogen as specified under subdivision (a)(1)(B)(ii) of this section. ^{Pf}

(3) The person in charge shall ensure that a conditional employee who:

(A) Exhibits or reports a symptom, or who reports a diagnosed illness as specified under subdivision (a)(1)(B)(i) – (iii) of this section, is prohibited from becoming a food employee until the conditional employee meets the criteria for the specific symptoms or diagnosed illness as specified under subdivision (c) of this section; ^P and

(B) Will work as a food employee in a retail food establishment that serves as a highly susceptible population and reports a history of exposure as specified under subdivision (a)(1)(B)(iv) – (v) of this section is prohibited from becoming a food employee until the conditional employee meets the criteria as specified under subdivision (c)(9) of this section. ^P

(4) The person in charge shall ensure that a food employee who exhibits or reports a symptom, or who reports a diagnosed illness or a history of exposure as specified under subdivision (a)(1)(B) of this section, is:

(A) Excluded as specified under subdivisions (b)(1) – (3) of this section and subdivisions (b)(4)(A), (b)(5)(A), (b)(6)(A), (b)(7), or (b)(8)(A) of this section and in compliance with the provisions specified under subdivisions (c)(1) – (8) of this section; ^P or

(B) Restricted as specified under subdivisions (b)(4)(B), (b)(5)(B), (b)(6)(B), (b)(8)(B), (b)(9), or (b)(10) of this section and in compliance with the provisions specified under subdivisions (c)(4) – (10) of this section. ^P

(5) A food employee or conditional employee shall report to the person in charge the information as specified under subdivision (a)(1) of this section. ^{Pf}

(6) A food employee shall comply with:

(A) An exclusion as specified under subdivisions (b)(1) – (3) and (b)(4)(A), (5)(A), (6)(A), (7) of this section or subdivision (b)(1)(8)(A) of this section and with the provisions specified under subdivisions (c)(1) – (8) of this section; ^P or

(B) A restriction as specified under subdivisions (c)(4)(B), (b)(5)(B), (b)(6)(B), (b)(7), (b)(8)(2) of this section or subdivisions (b)(8), (b)(9), or (b)(10) of this section and comply with the provisions specified under subdivisions (c)(4) – (10) of this section. ^P

(b) **Exclusions and restrictions.** The person in charge shall exclude or restrict a food employee from a retail food establishment in accordance with the following:

(1) When the symptom is from a noninfectious condition, exclude a food employee if the food employee is:

(A) Symptomatic with vomiting or diarrhea; ^P or

(B) Symptomatic with vomiting or diarrhea and diagnosed with an infection from norovirus, Shigella spp., nontyphoidal Salmonella, or Shiga toxin-producing Escherichia coli; ^P

(2) Exclude a food employee who is:

(A) Jaundiced and the onset of jaundice occurred within the last seven (7) calendar days, unless the food employee provides to the person in charge written medical documentation from a health practitioner specifying that the jaundice is not caused by hepatitis A virus or other fecal-orally transmitted infection; ^P

(B) Diagnosed with an infection from hepatitis A virus within fourteen (14) calendar days from the onset of any illness symptoms or within seven (7) calendar days of the onset of jaundice; ^P or

(C) Diagnosed with an infection from hepatitis A virus without developing symptoms; ^P

(3) Exclude a food employee who is diagnosed with an infection from Salmonella Typhi or reports a previous infection with Salmonella Typhi within the past three (3) months as specified under subdivision (a)(1)(B)(iii) of this section; ^P

(4) If a food employee is diagnosed with an infection from norovirus and is asymptomatic:

(A) Exclude the food employee who works in a retail food establishment serving a highly susceptible population; ^P or

(B) Restrict the food employee who works in a retail food establishment not serving a highly susceptible population; ^P

(5) If a food employee is diagnosed with an infection from Shigella spp. and is asymptomatic:

(A) Exclude the food employee who works in a retail food establishment serving a highly susceptible population; ^P or

(B) Restrict the food employee who works in a retail food establishment not serving a highly susceptible population; ^P

(6) If a food employee is diagnosed with an infection from Shiga toxin-producing Escherichia coli and is asymptomatic:

(A) Exclude the food employee who works in a retail food establishment serving a highly susceptible population; ^P or

(B) Restrict the food employee who works in a retail food establishment not serving a highly susceptible population; ^P

(7) If a food employee is diagnosed with an infection from nontyphoidal Salmonella and is asymptomatic, restrict the food employee who works in a retail food establishment serving a highly susceptible population or in a retail food establishment not serving a highly susceptible population; ^P

(8) If a food employee is ill with symptoms of acute onset of sore throat with fever:

(A) Exclude the food employee who works in a retail food establishment serving a highly susceptible population; ^P or

(B) Restrict the food employee who works in a retail food establishment not serving a highly susceptible population; ^P

(9) If a food employee is infected with a skin lesion containing pus such as a boil or infected wound that is open or draining and not properly covered as specified under subdivision (a)(1)(B)(ii)(e) of this section, restrict the food employee; ^P and

(10) If a food employee is exposed to a foodborne pathogen as specified under subdivisions (a)(1)(B)(iv) or (a)(1)(B)(v) of this section, restrict the food employee who works in a retail food establishment serving a highly susceptible population. ^P

(c) **Removal, adjustment, or retention of exclusions and restrictions.** The person in charge shall adhere to the following conditions when removing, adjusting, or retaining the exclusion or restriction of a food employee:

(1) Except when a food employee is diagnosed with an infection from hepatitis A virus or Salmonella Typhi:

(A) Reinstate a food employee who was excluded as specified under subdivision (b)(1)(A) of this section if the food employee:

(i) Is asymptomatic for at least twenty-four (24) hours; ^P or

(ii) Provides to the person in charge written medical documentation from a health practitioner that states the symptom is from a noninfectious condition; ^P

(B) If a food employee was diagnosed with an infection from norovirus and excluded as specified under subdivision (b)(1)(B) of this section:

(i) Restrict the food employee, who is asymptomatic for at least twenty-four (24) hours and works in a retail food establishment not serving a highly susceptible population, until the conditions for reinstatement as specified under subdivisions (c)(4)(A) or (c)(4)(B) of this section are met; ^P or

(ii) Retain the exclusion for the food employee, who is asymptomatic for at least twenty-four (24) hours and works in a retail food establishment that serves a highly susceptible population, until the conditions for reinstatement as specified under subdivisions (c)(4)(A) or (c)(4)(B) of this section are met; ^P

(C) If a food employee was diagnosed with an infection from *Shigella* spp. and excluded as specified under subdivision (b)(1)(B) of this section:

(i) Restrict the food employee, who is asymptomatic for at least twenty-four (24) hours and works in a retail food establishment not serving a highly susceptible population, until the conditions for reinstatement as specified under subdivisions (c)(5)(A) or (c)(5)(B) of this section are met; ^P or

(ii) Retain the exclusion for the food employee, who is asymptomatic for at least twenty-four (24) hours and works in a retail food establishment that serves a highly susceptible population, until the conditions for reinstatement as specified under subdivisions (c)(5)(A) or (c)(5)(B) of this section and subdivision (c)(1)(C)(i) of this section are met; ^P

(D) If a food employee was diagnosed with an infection from Shiga toxin-producing *Escherichia coli* and excluded as specified under subdivision (b)(1)(B) of this section:

(i) Restrict the food employee, who is asymptomatic for at least twenty-four (24) hours and works in a retail food establishment not serving a highly susceptible population, until the conditions for reinstatement as specified under subdivisions (c)(6)(A) or (c)(6)(B) of this section are met; ^P or

(ii) Retain the exclusion for the food employee, who is asymptomatic for at least twenty-four (24) hours and works in a retail food establishment that serves a highly susceptible population, until the conditions for reinstatement as specified under subdivisions (c)(6)(A) or (c)(6)(B) of this section are met; ^P and

(E) If a food employee was diagnosed with an infection from nontyphoidal *Salmonella* and excluded as specified under subdivision (b)(1)(B) of this section:

(i) Restrict the food employee who is asymptomatic for at least thirty (30) days until conditions for reinstatement as specified under subdivisions (c)(7)(A) or (c)(7)(B) of this section are met; ^P or

(ii) Retain the exclusion for the food employee who is symptomatic until conditions for reinstatement as specified under subdivisions (c)(7)(A) or (c)(7)(B) of this section are met; ^P

(2) Reinstatement a food employee who was excluded as specified under subdivision (b)(2) of this section if the person in charge obtains approval from the regulatory authority and one (1) of the following conditions is met:

(A) The food employee has been jaundiced for more than seven (7) calendar days; ^P

(B) The anicteric food employee has been symptomatic with symptoms other than jaundice for more than fourteen (14) calendar days; ^P or

(C) The food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee is free of a hepatitis A virus infection; ^P

(3) Reinstatement a food employee who was excluded as specified under subdivision (b)(3) of this section if:

(A) The person in charge obtains approval from the regulatory authority; ^P
and

(B) The food employee provides to the person in charge written medical documentation from a health practitioner that states the food employee is free from Salmonella Typhi infection; ^P

(4) Reinstatement a food employee who was excluded as specified under subdivisions (b)(1)(B) or (b)(4)(A) of this section who was restricted under subdivision (b)(4)(B) of this section if the person in charge obtains approval from the regulatory authority and one (1) of the following conditions is met:

(A) The excluded or restricted food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee is free of a norovirus infection; ^P

(B) The food employee was excluded or restricted after symptoms of vomiting or diarrhea resolved, and more than forty-eight (48) hours have passed since the food employee became asymptomatic; ^P or

(C) The food employee was excluded or restricted and did not develop symptoms and more than forty-eight (48) hours have passed since the food employee was diagnosed; ^P

(5) Reinstate a food employee who was excluded as specified under subdivisions (b)(2) or (b)(5)(A) of this section or who was restricted under subdivision (b)(5)(B) of this section if the person in charge obtains approval from the regulatory authority and one (1) of the following conditions is met:

(A) The excluded or restricted food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee is free of a *Shigella* spp. infection based on test results showing two (2) consecutive negative stool specimen cultures that are taken:

(i) Not earlier than forty-eight (48) hours after discontinuance of antibiotics; ^P and

(ii) At least twenty-four (24) hours apart; ^P

(B) The food employee was excluded or restricted after symptoms of vomiting or diarrhea resolved, and more than seven (7) calendar days have passed since the food employee became asymptomatic; ^P or

(C) The food employee was excluded or restricted and did not develop symptoms and more than seven (7) calendar days have passed since the food employee was diagnosed; ^P

(6) Reinstate a food employee who was excluded or restricted as specified under subdivisions (b)(1)(B) or (b)(6)(A) of this section or who was restricted under subdivision (b)(6)(B) of this section if the person in charge obtains approval from the regulatory authority and one (1) of the following conditions is met:

(A) The excluded or restricted food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee is free of an infection from Shiga toxin-producing *Escherichia coli* based on

test results that show two (2) consecutive negative stool specimen cultures that are taken:

(i) Not earlier than forty-eight (48) hours after discontinuance of antibiotics; ^P and

(ii) At least twenty-four (24) hours apart; ^P

(B) The food employee was excluded or restricted after symptoms of vomiting or diarrhea resolved and more than seven (7) calendar days have passed since the food employee became asymptomatic; ^P or

(C) The food employee was excluded or restricted and did not develop symptoms and more than seven (7) days have passed since the food employee was diagnosed; ^P

(7) Reinstate a food employee who was excluded as specified under subdivision (b)(1)(B) of this section or who was restricted as specified under subdivision (b)(7) of this section if the person in charge obtains approval from the regulatory authority ^P and one (1) of the following conditions is met:

(A) The excluded or restricted food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee is free of a nontyphoidal Salmonella infection based on test results showing two (2) consecutive negative stool specimen cultures that are taken:

(i) Not earlier than forty-eight (48) hours after discontinuance of antibiotics; ^P and

(ii) At least twenty-four (24) hours apart; ^P

(B) The food employee was restricted after symptoms of vomiting or diarrhea resolved, and more than thirty (30) days have passed since the food employee became asymptomatic; ^P or

(C) The food employee was excluded or restricted and did not develop symptoms and more than thirty (30) days have passed since the food employee was diagnosed; ^P

(8) Reinstate a food employee who was excluded or restricted as specified under subdivisions (b)(8)(A) or (b)(8)(B) of this section if the food employee provides

to the person in charge written medical documentation from a health practitioner stating that the food employee meets one (1) of the following conditions:

(A) Has received antibiotic therapy for *Streptococcus pyogenes* infection for more than twenty-four (24) hours; ^P

(B) Has at least one (1) negative throat specimen culture for *Streptococcus pyogenes* infection; ^P or

(C) Otherwise determined by a health practitioner to be free of a *Streptococcus pyogenes* infection; ^P

(9) Reinstate a food employee who was restricted as specified under subdivision (b)(9) of this section if the skin, infected wound, cut, or pustular boil is properly covered with one (1) of the following:

(A) Impermeable cover such as a finger cot or stall and a single-use glove over the impermeable cover if the infected wound or pustular boil is on the hand, finger, or wrist; ^P

(B) Impermeable cover on the arm if the infected wound or pustular boil is on the arm; ^P or

(C) A dry, durable, tight-fitting bandage if the infected wound or pustular boil is on another part of the body; ^P and

(10) Reinstate a food employee who was restricted as specified under subdivision (b)(10) of this section and was exposed to one (1) of the following pathogens as specified under subdivision (a)(1)(B)(iv) or (a)(1)(B)(v) of this section:

(A) Norovirus and one (1) of the following conditions is met:

(i) More than forty-eight (48) hours have passed since the last day the food employee was potentially exposed; ^P or

(ii) More than forty-eight (48) hours have passed since the food employee's household contact became asymptomatic; ^P

(B) *Shigella* spp. or Shiga toxin-producing *Escherichia coli* and one (1) of the following conditions is met:

(i) More than three (3) calendar days have passed since the last day the food employee was potentially exposed; ^P or

(ii) More than three (3) calendar days have passed since the food employee's household contact became asymptomatic; ^P

(C) Salmonella Typhi and one (1) of the following conditions is met:

(i) More than fourteen (14) calendar days have passed since the last day the food employee was potentially exposed; ^P or

(ii) More than fourteen (14) calendar days have passed since the food employee's household contact became asymptomatic; ^P and

(D) Hepatitis A virus and one (1) of the following conditions is met:

(i) The food employee is immune to hepatitis A virus infection because of a prior illness from hepatitis A; ^P

(ii) The food employee is immune to hepatitis A virus infection because of vaccination against hepatitis A; ^P

(iii) The food employee is immune to hepatitis A virus infection because of IgG administration; ^P

(iv) More than thirty (30) calendar days have passed since the last day the food employee was potentially exposed; ^P

(v) More than thirty (30) calendar days have passed since the food employee's household contact became jaundiced; ^P or

(vi) The food employee does not use an alternative procedure that allows bare hand contact with ready-to-eat food until at least thirty (30) days after the potential exposure, as specified in subdivision (c)(10)(D)(iv) and (v) of this section, and the food employee receives additional training about:

(a) Hepatitis A symptoms and preventing the transmission of infection; ^P

(b) Proper handwashing procedures; ^P and

(c) Protecting ready-to-eat food from contamination introduced by bare-hand contact. ^P

Authority. Arkansas Code §§ 20-56-219, 20-57-209.

Codification Notes. "IgG" means immunoglobulin G.

Subpart 3. Personal Cleanliness

20 CAR § 191-301. Hands and arms.

(a) **Clean condition.*** Food employees shall keep their hands and exposed portions of their arms clean. ^P

(b) **Cleaning procedure.***

(1) Except as specified in subdivision (b)(4) of this section, food employees shall clean their hands and exposed portions of their arms including surrogate prosthetic devices for hands or arms for at least twenty (20) seconds using a cleaning compound in a handwashing sink that is equipped as specified under 20 CAR §§ 194-202(b) and 195-301. ^P

(2) Food employees shall use the following cleaning procedure, in the order stated, to clean their hands and exposed portions of their arms, including surrogate prosthetic devices for hands and arms:

(A) Rinse under clean, running warm water; ^P

(B) Apply an amount of cleaning compound recommended by the cleaning compound manufacturer; ^P

(C) Rub together vigorously for at least ten to fifteen (10 – 15) seconds while:

(i) Paying particular attention to removing soil from underneath the fingernails during the cleaning procedure; ^P and

(ii) Creating friction on the surfaces of the hands and arms or surrogate prosthetic devices for hands and arms, fingertips, and areas between the fingers; ^P

(D) Thoroughly rinse under clean, running warm water; ^P and

(E) Immediately follow the cleaning procedure with thorough drying using a method as specified under 20 CAR § 195-301(c). ^P

(3) To avoid recontaminating their hands or surrogate prosthetic devices, food employees may use disposable paper towels or similar clean barriers when touching surfaces such as manually operated faucet handles on a handwashing sink or the handle of a restroom door.

(4)(A) If approved and capable of removing the types of soils encountered in the food operations involved, an automatic handwashing facility may be used by food employees to clean their hands or surrogate prosthetic devices.

(B) This equipment must be installed and operated per the manufacturer's instructions.

(c) **Reserved for future use.**

(d) **When to wash.*** Food employees shall clean their hands and exposed portions of their arms as specified under subsection (b) of this section immediately before engaging in food preparations, including working with exposed food, clean equipment and utensils, and unwrapped single-service and single-use articles, ^P and:

(1) After touching bare human body parts other than clean hands and clean, exposed portions of arms; ^P

(2) After touching lacerations/cuts, sores, or infected areas of the skin; ^P

(3) After using the toilet room; ^P

(4) After caring for or handling service animals or aquatic animals as specified in 20 CAR § 191-403(b); ^P

(5) Except as specified under 20 CAR § 191-401(a)(2), after coughing, sneezing, or using a handkerchief or disposable tissue; ^P

(6) After using tobacco; ^P

(7) After eating or drinking; ^P

(8) After handling soiled equipment or utensils; ^P

(9) Before donning gloves to initiate a task that involves working with food; ^P

(10) During food preparation, as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks; ^P

(11) When switching between working with raw food and working with ready-to-eat food; ^P

(12) After engaging in other activities that contaminate the hands; ^P and

(13) When hands are visibly soiled. ^P

(e) **Where to wash.** Food employees shall clean their hands in a handwashing sink or approved automatic handwashing facility, and may not clean their hands in a sink used for food preparation or ware washing or in a service sink or a curbed cleaning facility used for the disposal of mop water and similar liquid waste. ^{Pf}

(f) **Hand antiseptics.**

(1) A hand antiseptic used as a topical application, a hand antiseptic solution used as a hand dip, or a hand antiseptic soap shall:

(A) Comply with one (1) of the following:

(i) Be an approved drug that is listed in the Food and Drug Administration publication Approved Drug Products with Therapeutic Equivalence Evaluations as an approved drug based on safety and effectiveness; ^{Pf} or

(ii) Have active antimicrobial ingredients that are listed in the Food and Drug Administration monograph for over-the-counter (OTC) Consumer and Health Care Antiseptic Products as an antiseptic handwash; ^{Pf}

(B) Consist only of components the intended use of each of which complies with one (1) of the following:

(i) A threshold of regulation exemption under 21 C.F.R. § 170.39, Threshold of regulation for substances used in food-contact articles; ^{Pf}

(ii) 21 C.F.R. pt. 178, Indirect food additives: Adjuvants, production aids, and sanitizers as regulated for use as a food additive with conditions of safe use;

^{Pf}

(iii)(a) A determination of generally recognized as safe (GRAS).

(b) Partial listings of substances with food uses that are GRAS may be found in 21 C.F.R. pt. 182, Substances generally recognized as safe, 21 C.F.R. pt. 184, Direct food substances affirmed as generally recognized as safe, or 21 C.F.R. pt. 186, Indirect food substances affirmed as generally recognized as safe for use in contact with food, and in the Food and Drug Administration's GRAS Notice Inventory; ^{Pf}

(iv) A prior sanction listed under 21 C.F.R. pt. 181, Prior-sanctioned food ingredients; ^{Pf} or

(v) A Food Contact Notification that is effective; ^{Pf} and

(C) Be applied only to hands that are cleaned as specified under subsection (b) of this section. ^{Pf}

(2) If a hand antiseptic or a hand antiseptic solution used as a hand dip does not meet the criteria specified under subdivision (f)(1)(B) of this section, use shall be:

(A) Followed by thorough hand rinsing in clean water before hand contact with food or by the use of gloves; ^{Pf} or

(B) Limited to situations that involve no direct contact with food by the bare hands. ^{Pf}

(3) A hand antiseptic solution used as a hand dip shall be maintained clean and at a strength equivalent to at least one hundred milligrams per liter (100 mg/L) chlorine. ^{Pf}

Authority. Arkansas Code §§ 20-56-219, 20-57-209.

20 CAR § 191-302. Fingernails — Maintenance.

(a) Food employees shall keep their fingernails trimmed, filed, and maintained so the edges and surfaces are cleanable and not rough. ^{Pf}

(b) Unless wearing intact gloves in good repair, a food employee may not wear fingernail polish or artificial fingernails when working with exposed food. ^{Pf}

Authority. Arkansas Code §§ 20-56-219, 20-57-209.

20 CAR § 191-303. Jewelry.

Prohibition. Except for a plain ring such as a wedding band, while preparing food, food employees may not wear jewelry, including medical information jewelry, on their arms and hands.

Authority. Arkansas Code §§ 20-56-219, 20-57-209.

20 CAR § 191-304. Outer clothing.

Clean condition. Food employees shall wear clean outer clothing to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles.

Authority. Arkansas Code §§ 20-56-219, 20-57-209.

Subpart 4. Hygienic Practices

20 CAR § 191-401. Food contamination prevention.

(a) Eating, drinking, or using tobacco.*

(1) Except as specified in subdivision (a)(2) of this section, an employee shall eat, drink, or use any form of tobacco only in designated areas where the contamination of exposed food, clean equipment, utensils, and linens, unwrapped single-service and single-use articles, or other items needing protection can result.

(2) A food employee may drink from a closed beverage container if the container is handled to prevent contamination of:

(A) The employee's hands;

(B) The container; and

(C) Exposed food, clean equipment, utensils, and linens, and unwrapped single-service and single-use articles.

(b) Discharges from the eyes, nose, and mouth.* Food employees experiencing persistent sneezing, coughing, or a runny nose that causes discharges from the eyes, nose, or mouth may not work with exposed food, clean equipment, utensils, and linens, or unwrapped single-service or single-use articles.

Authority. Arkansas Code §§ 20-56-219, 20-57-209.

20 CAR § 191-402. Hair restraints — Effectiveness.

(a) Except as provided in subsection (b) of this section, food employees shall wear hair restraints such as hats, hair coverings or nets, beard restraints, and clothing that covers body hair that are designed and worn to effectively keep their hair from contacting exposed food, clean equipment, utensils, and linens, and unwrapped single-service and single-use articles.

(b) This section does not apply to food employees such as counter staff who only serve beverages and wrapped or packaged foods, hostesses, and wait staff if they present a minimal risk of contaminating exposed food, clean equipment, utensils, and linens, and unwrapped single-service and single-use articles.

Authority. Arkansas Code §§ 20-56-219, 20-57-209.

20 CAR § 191-403. Animals — Handling prohibition.*

(a) Except as specified in subsection (b) of this section, food employees may not care for or handle animals that may be present such as patrol dogs, service animals, or pets that are allowed as specified in 20 CAR § 195-601(o)(2)(B) – (E).^{Pf}

(b) Food employees with service animals may handle or care for their service animals and food employees may handle or care for fish in aquariums or molluscan shellfish or Crustacea in display tanks if they wash their hands as specified under 20 CAR § 191-301(b) and (d)(3).

Authority. Arkansas Code §§ 20-56-219, 20-57-209.

Subpart 5. Responding to Contamination Events

20 CAR § 191-501. Clean-up of vomiting and diarrheal events.*

(a) A retail food establishment shall have procedures for employees to follow when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter onto surfaces in the retail food establishment.

(b) The procedures shall address the specific actions employees must take to minimize the spread of contamination and the exposure of employees, consumers, food, and surfaces to vomitus or fecal matter. ^{Pf}

Authority. Arkansas Code §§ 20-56-219, 20-57-209.