

**Title 20. Public Health and Welfare**

**Chapter I. Generally, Department of Health**

**Subchapter G. Rules Pertaining to Retail Food Establishments**

**Part 195. Physical Facilities**

**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."

"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)."

"Effective October \_\_, 2022"

"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All Rules and parts of Rules in conflict herewith are hereby repealed."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. Materials for Construction and Repairs**

### **20 CAR § 195-101. Indoor areas — Surface characteristics.**

(a) Except as specified in subsection (b) of this section, materials for indoor floor, wall, and ceiling surfaces under conditions of normal use shall be:

- (1) Smooth, durable, and easily cleanable for areas where retail food establishment operations are conducted;
- (2) Closely woven and easily cleanable carpet for carpeted areas; and
- (3) Nonabsorbent for areas subject to moisture such as food preparation areas, walk-in refrigerators, warewashing areas, toilet rooms, mobile food establishment servicing areas, and areas subject to flushing or spray cleaning methods.

(b) In a temporary food establishment:

- (1) If graded to drain, a floor may be concrete, machine-laid asphalt, or dirt or gravel if it is covered with mats, removable platforms, duckboards, or other suitable approved materials that are effectively treated to control dust and mud; and
- (2) Walls and ceilings may be constructed of a material that protects the interior from the weather and windblown dust and debris.

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

### **20 CAR § 195-102. Outdoor areas — Surface characteristics.**

(a) The outdoor walking and driving areas shall be surfaced with concrete, asphalt, or gravel or other materials that have been effectively treated to minimize dust, facilitate maintenance, and prevent muddy conditions.

(b) Exterior surfaces of buildings and mobile food establishments shall be of weather-resistant materials and shall comply with law.

(c) Outdoor storage areas for refuse, recyclables, or returnables shall be of materials specified under 20 CAR § 194-101(b) and 20 CAR § 194-501(c).

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

## **Subpart 2. Design, Construction, and Installation**

### **20 CAR § 195-201. Cleanability.**

(a) **Floors, walls, and ceilings.** Except as specified under subsection (d) of this section, and except for anti-slip floor coverings or applications that may be used for safety reasons, floors, floor coverings, walls, wall coverings, and ceilings shall be designed, constructed, and installed so they are smooth and easily cleanable.

#### **(b) Floors, walls, and ceilings — Utility lines.**

(1) Utility service lines and pipes may not be unnecessarily exposed.

(2) Exposed utility service lines and pipes shall be installed so they do not obstruct or prevent cleaning of the floors, walls, or ceilings.

(3) Exposed horizontal utility service lines and pipes may not be installed on the floor.

#### **(c) Floor and wall junctures — Coved, and enclosed or sealed.**

(1) In retail food establishments in which cleaning methods other than water flushing are used for cleaning floors, the floor and wall junctures shall be coved and closed to no larger than one millimeter (1 mm) (one thirty-second inch (1/32")).

(2) The floors in retail food establishments in which water flush cleaning methods are used shall be provided with drains and be graded to drain, and the floor and wall junctures shall be coved and sealed.

#### **(d) Floor carpeting — Restrictions and installation.**

(1) A floor covering such as carpeting or similar material may not be installed as a floor covering in food preparation areas, walk-in refrigerators, warewashing areas,

toilet room areas where handwashing lavatories, toilets, and urinals are located, refuse storage rooms, or other areas where the floor is subject to moisture, flushing, or spray cleaning methods.

(2) If carpeting is installed as a floor covering in areas other than those specified under subdivision (d)(1) of this section, it shall be:

(A) Securely attached to the floor with a durable mastic by using a stretch and tack method or by another method; and

(B) Installed tightly against the wall under the coving or installed away from the wall with a space between the carpet and the wall and with the edges of the carpet secured by metal stripping or some other means.

(e) **Floor covering — Mats and duckboards.** Mats and duckboards shall be designed to be removable and easily cleanable.

(f) **Wall and ceiling coverings and coatings.**

(1) Wall and ceiling covering materials shall be attached so that they are easily cleanable.

(2) Except in areas used only for dry storage, concrete, porous blocks, or bricks used for indoor wall construction shall be finished and sealed to provide a smooth, nonabsorbent, easily cleanable surface.

(g) **Walls and ceilings — Attachments.**

(1) Except as specified in subdivision (g)(2) of this section, attachments to walls and ceilings such as light fixtures, mechanical room ventilation system components, vent covers, wall-mounted fans, decorative items, and other attachments shall be easily cleanable.

(2) In a consumer area, wall and ceiling surfaces and decorative items and attachments that are provided for ambiance need not meet this requirement if they are kept clean.

(h) **Walls and ceilings — Studs, joists, and rafters.** Except for temporary food establishments, studs, joists, and rafters may not be exposed in areas subject to moisture.

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

**20 CAR § 195-202. Functionality.**

**(a) Light bulbs — Protective shielding.**

(1) Except as specified in subdivision (a)(2) of this section, light bulbs shall be shielded, coated, or otherwise shatter-resistant in areas where there is exposed food, clean equipment, utensils, and linens, or unwrapped single-service and single-use articles.

(2) Shielded, coated, or otherwise shatter-resistant bulbs need not be used in areas used only for storing food in unopened packages, if:

(A) The integrity of the packages cannot be affected by broken glass falling onto them; and

(B) The packages are capable of being cleaned of debris from broken bulbs before the packages are opened.

(3) An infrared or other heat lamp shall be protected against breakage by a shield surrounding and extending beyond the bulb so that only the face of the bulb is exposed.

**(b) Heating, ventilating, air conditioning system vents.** Heating, ventilating, and air conditioning systems shall be designed and installed so that make-up air intake and exhaust vents do not cause contamination of food, food-contact surfaces, equipment, or utensils.

**(c) Insect control devices — Design and installation.**

(1) Insect control devices that are used to electrocute or stun flying insects shall be designed to retain the insect within the device.

(2) Insect control devices shall be installed so that:

(A) The devices are not located over a food preparation area; and

(B) Dead insects and insect fragments are prevented from being impelled onto or falling on exposed food, clean equipment, utensils, and linens, and unwrapped single-service and single-use articles.

(d) **Toilet rooms — Enclosed.** Except where a toilet room is located outside a retail food establishment and does not open directly into the retail food establishment such as a toilet room that is provided by the management of a shopping mall, a toilet room located on the premises shall be completely enclosed and provided with a tight-fitting and self-closing door.

(e) **Outer openings — Protected.**

(1) Except as specified in subdivision (e)(2), (3), and (5) of this section and under subdivision (e)(4) of this section, outer openings of a retail food establishment shall be protected against the entry of insects and rodents by:

- (A) Filling or closing holes and other gaps along floors, walls, and ceilings;
- (B) Closed, tight-fitting windows; and
- (C) Solid, self-closing, tight-fitting doors.

(2) Subdivision (e)(1) of this section does not apply if a retail food establishment opens into a larger structure such as a mall, airport, or office building, or into an attached structure such as a porch, and the outer openings from the larger or attached structure are protected against the entry of insects and rodents.

(3) Exterior doors used as exits need not be self-closing if they are:

- (A) Solid and tight-fitting;
- (B) Designated for use only when an emergency exists, by the fire protection authority that has jurisdiction over the retail food establishment; and
- (C) Limited-use so they are not used for entrance or exit from the building for purposes other than the designated emergency exit use.

(4) Except as specified in subdivisions (e)(2) and (5) of this section, if the windows or doors of a retail food establishment, or of a larger structure within which a retail food establishment is located, are kept open for ventilation or other purposes, or a temporary food establishment is not provided with windows and doors as specified under subdivision (e)(1) of this section, the openings shall be protected against the entry of insects and rodents by:

- (A) Sixteen (16) mesh to twenty-five millimeters (25 mm) (sixteen (16) mesh to one inch (1")) screens;

- (B) Properly designed and installed air curtains to control flying insects; or
- (C) Other effective means.

(5) Subdivision (e)(4) of this section does not apply if flying insects and other pests are absent due to the location of the establishment, the weather, or other limiting condition.

(f) **Exterior walls and roofs — Protective barrier.** Perimeter walls and roofs of a retail food establishment shall effectively protect the establishment from the weather and the entry of insects, rodents, and other animals.

(g) **Outdoor food vending areas — Overhead protection.** Except for machines that vend canned beverages, if located outside, a machine used to vend food shall be provided with overhead protection.

(h) **Outdoor servicing areas — Overhead protection.** Servicing areas shall be provided with overhead protection except that areas used only for the loading of water or the discharge of sewage and other liquid waste, through the use of a closed system of hoses, need not be provided with overhead protection.

(i) **Outdoor walking and driving surfaces — Graded to drain.** Exterior walking and driving surfaces shall be graded to drain.

(j) **Outdoor refuse areas — Curbed and graded to drain.** Outdoor refuse areas shall be constructed in accordance with law and shall be curbed and graded to drain to collect and dispose of liquid waste that results from the refuse and from cleaning the area and waste receptacles.

(k) **Private homes and living or sleeping quarters — Use prohibition.** A private home, a room used as living or sleeping quarters, or an area directly opening into a room used as living or sleeping quarters may not be used for conducting retail food establishment operations. <sup>P</sup>

(l) **Living or sleeping quarters — Separation.** Living or sleeping quarters located on the premises of a retail food establishment such as those provided for lodging registration clerks or resident managers shall be separated from rooms and areas used for retail food establishment operations by complete partitioning and solid self-closing doors.

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

### **Subpart 3. Numbers and Capacities**

#### **20 CAR § 195-301. Handwashing facilities.**

(a) **Minimum number.** Handwashing sinks shall be provided as specified under 20 CAR § 194-203(a).

(b) **Handwashing cleanser — Availability.** Each handwashing sink or group of two (2) adjacent handwashing sinks shall be provided with a supply of hand cleaning liquid, powder, or bar soap. <sup>Pf</sup>

(c) **Hand drying provision.** Each handwashing sink or group of adjacent handwashing sinks shall be provided with:

- (1) Individual, disposable towels; <sup>Pf</sup>
- (2) A continuous towel system that supplies the user with a clean towel; <sup>Pf</sup>
- (3) A heated-air hand drying device; <sup>Pf</sup> or
- (4) A hand drying device that employs an air-knife system that delivers high velocity, pressurized air at ambient temperatures. <sup>Pf</sup>

(d) **Handwashing aids and devices — Use restrictions.** A sink used for food preparation or utensil washing, or a service sink or curbed cleaning facility used for the disposal of mop water or similar wastes, may not be provided with the handwashing aids and devices required for a handwashing lavatory as specified under subsection (b) and (c) of this section and 20 CAR § 194-501(g)(3).

(e) **Handwashing signage.** A sign or poster that notifies food employees to wash their hands shall be provided at all handwashing sinks used by food employees and shall be clearly visible to food employees.

(f) **Disposable towels — Waste receptacle.** A handwashing sink or group of adjacent handwashing sinks that is provided with disposable towels shall be provided with a waste receptacle as specified under 20 CAR § 194-501(g)(3).

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

**20 CAR § 195-302. Toilets and urinals.**

(a) **Minimum number.** Toilets and urinals shall be provided as specified under 20 CAR § 194-203(b).

(b) **Toilet tissue — Availability.** A supply of toilet tissue shall be available at each toilet. <sup>Pf</sup>

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

**20 CAR § 195-303. Lighting.**

**Intensity.** The light intensity shall be:

(1) At least One hundred eight (108) lux (ten (10) foot-candles) at a distance of thirty inches (30”) above the floor, in walk-in refrigeration units and dry food storage areas and in other areas and rooms during periods of cleaning;

(2) At least two hundred fifteen (215) lux (twenty (20) foot-candles):

(A) At a surface where food is provided for consumer self-service such as buffets and salad bars or where fresh produce or packaged foods are sold or offered for consumption;

(B) Inside equipment such as reach-in and under-counter refrigerators;

(C) At a distance of seventy-five centimeters (75 cm) (thirty inches (30”)) above the floor in areas used for handwashing, warewashing, and equipment and utensil storage, and in toilet rooms; and

(3) At least five hundred forty (540) lux (fifty (50) foot-candles) at a surface where a food employee is working with food or working with utensils or equipment such as knives, slicers, grinders, or saws where employee safety is a factor.

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

**20 CAR § 195-304. Ventilation.**

**Mechanical.** If necessary to keep rooms free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes, mechanical ventilation of sufficient capacity shall be provided.

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

**20 CAR § 195-305. Dressing areas and lockers — Designation.**

(a) Dressing rooms or dressing areas shall be designated if employees routinely change their clothes in the establishment.

(b) Lockers or other suitable facilities shall be provided for the orderly storage of employees' clothing and other possessions.

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

**20 CAR § 195-306. Service sinks.**

**Availability.** A service sink or curbed cleaning facility shall be provided as specified under 20 CAR § 194-203(c)(1).

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

**Subpart 4. Location and Placement**

**20 CAR § 195-401. Handwashing sinks.**

**Conveniently located.** Handwashing sinks shall be conveniently located as specified under 20 CAR § 194-204(a).

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

**20 CAR § 195-402. Toilet rooms.**

**Convenience and accessibility.** Toilet rooms shall be conveniently located and accessible to employees during all hours of operation.

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

**20 CAR § 195-403. Employee accommodations — Designated areas.**

(a) Areas designated for employees to eat, drink, and use tobacco shall be located so that food, equipment, linens, and single-service and single-use articles are protected from contamination.

(b) Lockers or other suitable facilities shall be located in a designated room or area where contamination of food, equipment, utensils, linens, and single-service and single-use articles cannot occur.

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

**20 CAR § 195-404. Distressed merchandise.**

**Segregation and location.** Products that are held by the permit holder for credit, redemption, or return to the distributor, such as damaged, spoiled, or recalled products, shall be segregated and held in designated areas that are separated from food, equipment, utensils, linens, and single-service and single-use articles. <sup>Pf</sup>

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

**20 CAR § 195-405. Refuse, recyclables, and returnables.**

**Receptacles, waste handling units, and designated storage areas.** Units, receptacles, and areas designated for storage of refuse and recyclable and returnable containers shall be located as specified under 20 CAR § 194-501(j).

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

## **Subpart 5. Maintenance and Operation**

### **20 CAR § 195-501. Premises, structures, attachments, and fixtures — Methods.**

(a) **Repairing.** The physical facilities shall be maintained in good repair.

(b) **Cleaning — Frequency and restrictions.**

(1) The physical facilities shall be cleaned as often as necessary to keep them clean.

(2) Except for cleaning that is necessary due to a spill or other accident, cleaning shall be done during periods when the least amount of food is exposed, such as after closing.

(c) **Cleaning floors — Dustless methods.**

(1) Except as specified in subdivision (c)(2) of this section, only dustless methods of cleaning shall be used, such as wet cleaning, vacuum cleaning, mopping with treated dust mops, or sweeping using a broom and dust-arresting compounds.

(2) Spills or drippage on floors that occur between normal floor cleaning times may be cleaned:

(A) Without the use of dust-arresting compounds; and

(B) In the case of liquid spills or drippage, with the use of a small amount of absorbent compound such as sawdust or diatomaceous earth applied immediately before spot cleaning.

(d) **Cleaning ventilation systems — Nuisance and discharge prohibition.**

(1) Intake and exhaust air ducts shall be cleaned and filters changed so they are not a source of contamination by dust, dirt, and other materials.

(2) If vented to the outside, ventilation systems may not create a public health hazard or nuisance or unlawful discharge.

(e) **Cleaning maintenance tools — Preventing contamination.\*** Food preparation sinks, handwashing sinks, and warewashing equipment may not be used for the cleaning of maintenance tools, the preparation or holding of maintenance materials, or the disposal of mop water and similar liquid wastes. <sup>Pf</sup>

(f) **Drying mops.** After use, mops shall be placed in a position that allows them to air-dry without soiling walls, equipment, or supplies.

(g) **Absorbent materials on floors — Use limitation.** Except as specified in subdivision (c)(2) of this section, sawdust, wood shavings, granular salt, baked clay, diatomaceous earth, or similar materials may not be used on floors.

(h) **Maintaining and using handwashing facilities.** Plumbing fixtures such as handwashing sinks, toilets, and urinals shall be cleaned as often as necessary to keep them clean.

(i) **Closing toilet room doors.** Except during cleaning and maintenance operations, toilet room doors as specified under 20 CAR § 195-202(d) shall be kept closed.

(j) **Using dressing rooms and lockers.**

(1) Dressing rooms shall be used by employees if the employees regularly change their clothes in the establishment.

(2) Lockers or other suitable facilities shall be used for the orderly storage of employee clothing and other possessions.

(k) **Controlling pests.\***

(1) The premises shall be maintained free of insects, rodents, and other pests.

(2) The presence of insects, rodents, and other pests shall be controlled to eliminate their presence on the premises by:

(A) Routinely inspecting incoming shipments of food and supplies;

(B) Routinely inspecting the premises for evidence of pests;

(C) Using methods, if pests are found, such as trapping devices or other means of pest control as specified under 20 CAR § 196-202(b), 20 CAR § 196-206(b), and 20 CAR § 196-206(c); <sup>Pf</sup> and

(D) Eliminating harborage conditions.

(l) **Removing dead or trapped birds, insects, rodents, and other pests.**

Dead or trapped birds, insects, rodents, and other pests shall be removed from control devices and the premises at a frequency that prevents their accumulation, decomposition, or the attraction of pests.

(m) **Storing maintenance tools.** Maintenance tools such as brooms, mops, vacuum cleaners, and similar items shall be:

(1) Stored so they do not contaminate food, equipment, utensils, linens, and single-service and single-use articles; and

(2) Stored in an orderly manner that facilitates cleaning the area used for storing the maintenance tools.

(n) **Maintaining premises — Unnecessary items and litter.** The premises shall be free of:

(1) Items that are unnecessary to the operation or maintenance of the establishment such as equipment that is nonfunctional or no longer used; and

(2) Litter.

(o) **Prohibiting animals.\***

(1) Except as specified in subdivisions (o)(2) and (3) of this section, live animals may not be allowed on the premises of a retail food establishment. <sup>Pf</sup>

(2) Live animals may be allowed in the following situations if the contamination of food, clean equipment, utensils, and linens, and unwrapped single-service and single-use articles cannot result:

(A) Edible fish or decorative fish in aquariums, shellfish or Crustacea on ice or under refrigeration, and shellfish and Crustacea in display tank systems;

(B) Patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas, and sentry dogs running loose in outside fenced areas;

(C) In areas that are not used for food preparation and that are usually open for customers, such as dining and sales areas, service animals that are controlled and utilized by the disabled employee or person, if a health or safety hazard will not result from the presence or activities of the service animal;

(D) Pets in the common dining areas of institutional care facilities such as nursing homes, assisted living facilities, group homes, or residential care facilities at times other than during meals if:

(i) Effective partitioning and self-closing doors separate the common dining areas from food storage or food preparation areas;

(ii) Condiments, equipment, and utensils are stored in enclosed cabinets or removed from the common dining areas when pets are present; and

(iii) Dining areas including tables, countertops, and similar surfaces are effectively cleaned before the next meal service; and

(E) In areas that are not used for food preparation, storage, sales, display, or dining, in which there are caged animals or animals that are similarly confined, such as in a variety store that sells pets or a tourist park that displays animals.

(3) Live or dead fish bait may be stored if contamination of food, clean equipment, utensils, and linens, and unwrapped single-service and single-use articles cannot result.

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