

## CHAPTER 1

### PURPOSE, VARIANCES, DEFINITIONS, DEMONSTRATION OF KNOWLEDGE, AND HEALTH STATUS

Section 1. Authority. Pursuant to the authority vested in the director of the Regulatory Authority by virtue of W.S. 35-7-120, 35-7-123 (a)(iii), and 35-7-127, together with the department of health and the governor's food safety council established pursuant to W.S. 35-7-127, the following rules are hereby promulgated.

Section 2. Cheyenne - Laramie County Food Safety Rule.

(a) These provisions shall be known as the Cheyenne - Laramie County Food Safety Rule, hereinafter referred to as this Rule.

Section 3. Statement of Purpose.

(a) The purpose of this Rule is to safeguard public health and assure to consumers food that is safe, unadulterated, and honestly presented.

(b) This Rule establishes definitions; sets standards for management and personnel, food operations, equipment and facilities; and provides for establishment or processing plant plan review, license issuance, inspection, employee restriction, and license suspension.

Section 4. Public Health Protection.

(a) The regulatory authority shall apply this Rule to promote its underlying purpose of safeguarding the public health and assuring that food is safe, unadulterated, and honestly presented when offered to the consumer.

(b) In enforcing the provisions of this Rule, the regulatory authority shall assess existing facilities or equipment that were in use before the effective date of this Rule based on the following considerations:

(i) Whether the facilities or equipment are in good repair and capable of being maintained in a sanitary condition;

(ii) Whether food-contact surfaces comply with chapter 6, section 13;

(iii) Whether the capacities of cooling, heating, and holding equipment are sufficient to comply with chapter 3, section 30; and

(iv) The existence of a documented agreement with the license holder that the facilities or equipment will be replaced as specified under chapter 2, section 11(a)(vii), or upgraded or replaced as specified under chapter 2, section 11(a)(vii)(A).

#### Section 5. Variances of Modifications and Waivers.

(a) The Regulatory Authority may grant a variance by modifying or waiving the requirements of this Rule if in the opinion of the Regulatory Authority a health hazard or nuisance will not result from the variance. If a variance is granted, the Regulatory Authority shall retain the information specified under chapter 1, section 6, in its records for the establishment or processing plant.

#### Section 6. Documentation of Proposed Variance and Justification.

(a) Before a variance from a requirement of this Rule is approved, the information that shall be provided by the person requesting the variance and retained in the Regulatory Authority file on the establishment or processing plant must include:

(i) A statement of the proposed variance of the Rule requirement citing relevant Rule section numbers;

(ii) An analysis of the rationale for how the potential public health hazards and nuisances addressed by the relevant Rule sections will be alternatively addressed by the proposal; and

(iii) A HACCP Plan if required as specified under chapter 10, section 1(a), that includes the information specified under chapter 10, section 2, as it is relevant to the variance requested.

#### Section 7. Variance Requirements.

(a) If the Regulatory Authority grants a variance as specified in chapter 1, section 6, or a HACCP plan is otherwise required as specified under chapter 10, section 1, the license holder shall:

(i) Comply with the HACCP Plan and procedures that are submitted as specified under chapter 10, section 2, and approved as a basis for the modification or waiver; and

(ii) Maintain and provide to the Regulatory Authority, upon request, records specified under chapter 10, section 2(a)(iv) and (v), that demonstrate that the following are routinely employed:

- (A) Procedures for monitoring critical control points;
- (B) Monitoring of the critical control points;
- (C) Verification of the effectiveness of an operation or process; and
- (D) Necessary corrective actions if there is failure at a critical control point.

Section 8. Applicability and Terms Defined.

(a) The following terms are defined and apply in the interpretation and application of this Rule.

(i) "Accredited program."

(A) "Accredited program" means a food protection manager certification program that has been evaluated and listed by an accrediting agency as conforming to national standards for organizations that certify individuals.

(B) "Accredited program" refers to the certification process and is a designation based upon an independent evaluation of factors such as the sponsor's mission; organizational structure; staff resources; revenue sources; policies; public information regarding program scope, eligibility requirements, re-certification, discipline and grievance procedures; and test development and administration.

(C) "Accredited program" does not refer to training functions or educational programs.

(ii) "Additive."

(A) "Food additive" has the meaning stated in the Federal Food, Drug, and Cosmetic Act, ' 201(s) and 21 CFR 170 Food Additives.

(B) "Color additive" means a material, other than a material exempt under the federal act, which:

(I) Is a dye, pigment of other substance from a vegetable, animal, mineral or other source; or

(II) When added or applied to a food, drug or cosmetic, or to the human body or any part thereof is capable (alone or through reaction with other substance) of imparting color thereto.

(iii) "Administrative meeting" means an informal meeting conducted by the Regulatory Authority for the purpose of facilitating a mutually agreed upon plan of compliance for the license holder.

(iv) "Adulterated" has the meaning stated in the Federal Food, Drug, and Cosmetic Act, 21 USC, Section 342.

(v) "Animals" means but is not limited to livestock as defined in 9 CFR 301 Definitions, as amended, poultry as defined in 9 CFR 381.1 Definitions, as amended, or exotic animals as defined in 9 CFR 352.1 Definitions, as amended, and fish.

(vi) "Approved" means acceptable to the regulatory authority based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.

(vii) "Approved source" when used in reference to a bottled water plant's water product or water used in the plant's operations, means the source(s) of the water whether it be from a spring, artesian well, drilled well, municipal water supply, or any other source that has been inspected and the water sampled, analyzed, and found to be of a safe and sanitary quality in accordance with the applicable laws and regulations of the State of Wyoming. The presence in the plant of current certificates or modifications of approval from the State Engineer shall constitute approval of the source in the case of non-municipal water supplies.

(viii) "Approved water source" means any public water source or private well that has been routinely sampled and verified to not have contaminants in excess of the legal maximum contaminant levels as outlined in the primary Environmental Protection Agency (EPA) water quality standards, as amended.

(ix) "Artesian water" means bottled water from well tapping an aquifer in which the water level will stand above the bottom of the confining bed of the aquifer and in which the hydraulic pressure of the water in the aquifer is greater than the force of gravity. "Artesian well water" shall meet the requirements of "natural water."

(x) " $A_w$ " means water activity which is a measure of the free moisture in a food, is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature, and is indicated by the symbol  $a_w$ .

(xi) "Bed and breakfast facility" means a private home which is used to provide temporary accommodations for a charge to the public with not more than four (4) lodging units or not more than a daily average of eight (8) persons per night during any thirty (30) day period and in which no more than two (2) family style meals are provided per twenty four (24) hour period.

(xii) "Beverage" means a liquid for drinking, including water.

(xiii) "Bottled water" means water that is from an approved source and is placed in a sealed container or package and is offered for sale for human consumption or other consumer uses.

(xiv) "Bulk water" means water which is handled in containers of 25 gallon capacity or greater.

(xv) "Carcass" means all or any part of a slaughtered animal, including viscera, which is capable of being used for human consumption.

(xvi) "Certification number" means a unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish dealer according to the provisions of the National Shellfish Sanitation Program, as amended.

(xvii) "CFR" means Code of Federal Regulations. Citations in this Regulation to the CFR refer sequentially to the Title, Part, and Section numbers, such as 21 CFR 178.1010 refers to Title 21, Part 178, Section 1010.

(xviii) "CIP."

(A) "CIP" means cleaned in place by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse, and sanitizing solution onto or over equipment surfaces that require cleaning, such as the method used, in part, to clean and sanitize a frozen dessert machine.

(B) "CIP" does not include the cleaning of equipment such as band saws, slicers, or mixers that are subjected to in-place manual cleaning without the use of a CIP system.

(xix) "Code of Federal Regulations" means the compilation of the general and permanent regulations published in the Federal Register by the executive departments and agencies of the federal government which:

(A) Is published annually by the U.S. Government Printing Office;  
and

(B) Contains FDA regulations in 21 CFR, USDA regulations in 7 CFR and 9 CFR, EPA regulations in 40 CFR, and Wildlife and Fisheries regulations in 50 CFR.

(xx) "Comb honey" means honey contained in the cells of the comb in which it is produced.

(xxi) "Comminuted."

(A) "Comminuted" means reduced in size by methods including chopping, flaking, grinding, or mincing.

(B) "Comminuted" includes fish or food products that are reduced in size and restructured or reformulated such as gefilte fish, gyros, ground beef, and sausage; and a mixture of two (2) or more types of meat that have been reduced in size and combined, such as sausages made from two (2) or more meats.

(xxii) "Confirmed disease outbreak" means a foodborne disease outbreak in which laboratory analysis of appropriate specimens identifies a causative agent and epidemiological analysis implicates the food as the source of the illness.

(xxiii) "Consumer" means a person who is a member of the public, who takes possession of food, who is not functioning in the capacity of an operator of an establishment or processing plant, or who does not offer the food for resale.

(xxiv) "Contaminant" means any physical, chemical, biological or radiological substance or matter in water.

(xxv) "Contract veterinarian" means a graduate of a school of veterinary medicine accredited by the American Veterinary Medical Association who provides services for the department under contract, and who is licensed to practice veterinary medicine in the state of Wyoming."

(xxvi) "Cooked" means food to which heat has been applied for preservation and/or to change the color, aroma, texture, and/or flavor of the product. Internal temperatures typically range from 145°F to 180°F, whereas externally the product may reach temperatures over 200°F. Some products are considered cooked even though their internal temperatures may only reach 130-140°F. Roast prime rib of beef is an example.

(xxvii) "Corrosion-resistant material" means a material that maintains acceptable surface cleanability characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and sanitizing solutions, and other conditions of use environment.

(xxviii) "Country" when used in the name of meat, meat food product or meat by-product means that such meat, meat food product or meat by-product was actually prepared on the farm.

(xxix) "Critical control point" means a point or procedure in a specific food system where loss of control may result in an unacceptable health risk

(xxx) "Critical item."

(A) "Critical item or critical violation"

means a provision of this Rule, that, if in noncompliance, is more likely than other violations to contribute to food contamination, illness, or environmental health hazard.

(xxxix) "Critical limit" means the maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a critical control point to minimize the risk that the identified food safety hazard may occur.

(xxxvii) "Cured" means meat to which specific non-meat ingredients have been incorporated by dry addition or use of aqueous solutions to affect preservation, safety, flavor, and/or color. The non-meat ingredients must include salt (sodium chloride), and most often include sodium nitrite/nitrate. In addition, sugar (sucrose) or other sweetening agents are frequently used.

(xxxviii) "Custom carcass or meat" means carcasses, meat, meat food products or meat by-products which were slaughtered, dressed or otherwise processed by license holders.

(xxxix) "Department" means the Regulatory Authority.

(xl) "Director" means the director of the Wyoming Department of Agriculture or his duly authorized representative.

(xli) "Disinfectant" means any oxidant, including but not limited to, chlorine, chlorine dioxide, chloramines and ozone added to water in any part of the treatment or distribution process that is intended to kill or inactivate pathogenic microorganisms.

(xlii) "Distilled water" means bottled water which has been produced by a process of distillation and meets the definition of purified water in the 21st Edition of the United States Pharmacopeia.

(xliii) "Distressed merchandise" means any food:

(A) Which has had the label lost;

(B) Which has been subjected to possible damage due to accident, fire, flood, adverse weather, or to any other similar cause; or

(C) Which may have been rendered unsafe or unsuitable for human or animal consumption or use.

(xliiii) "Drinking water."

(A) "Drinking water" means water that meets 40 CFR 141 National Primary Drinking Water Regulations.

(B) "Drinking water" is traditionally known as "potable water."

(C) "Drinking water" includes the term "water" except where the term used connotes that the water is not potable, such as "boiler water," "mop water," "rainwater," "wastewater," and "nondrinking" water.

(xl) "Dry storage area" means a room or area designated for the storage of packaged or containerized bulk food that is not potentially hazardous and dry goods such as single-service items.

(xli) "Easily cleanable."

(A) "Easily cleanable" means a characteristic of a surface that:

(I) Allows effective removal of soil by normal cleaning methods;

(II) Is dependent on the material, design, construction, and installation of the surface; and

(III) Varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into food based on the surface's approved placement, purpose, and use.

(B) "Easily cleanable" includes a tiered application of the criteria that qualify the surface as easily cleanable as specified under Subparagraph (A) of this definition, to different situations in which varying degrees of cleanability are required such as:

(I) The appropriateness of stainless steel for a food preparation surface as opposed to the lack of need for stainless steel to be used for floors or for tables used for consumer dining; or

(II) The need for a different degree of cleanability for a utilitarian attachment or accessory in the kitchen as opposed to a decorative attachment or accessory in the consumer dining area.

(xlii) "Easily movable" means:

(A) Portable; mounted on casters, gliders, or rollers; or provided with a mechanical means to safely tilt a unit of equipment for cleaning; and

(B) Having no utility connection, a utility connection that disconnects quickly, or a flexible utility connection line of sufficient length to allow the equipment to be moved for cleaning of the equipment and adjacent area.

(xliii) "Edible" means intended for use as human food.

(xliv) "Employee" means the license holder, person in charge, person having supervisory or management duties, person on the payroll, family member, volunteer, person

performing work under contractual agreement, or other person working in an establishment or processing plant.

(xlv) "EPA" means the U.S. Environmental Protection Agency.

(xlvi) "Equipment."

(A) "Equipment" means an article that is used in the operation of a food establishment such as a freezer, grinder, hood, ice maker, meat block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, temperature measuring device for ambient air, vending machine, or warewashing machine.

(B) "Equipment" does not include items used for handling or storing large quantities of packaged foods that are received from a supplier in a cased or overwrapped lot, such as hand trucks, forklifts, dollies, pallets, racks, and skids.

(xlvii) "Establishment."

(A) "Establishment" means and includes any place or any area of any establishment in which food, drugs, devices and cosmetics are displayed for sale, manufactured, processed, packed, held or stored:

(I) Including but not limited to a restaurant; retail store; meat slaughter or processing plant, dairy production and processing; bed and breakfast; bulk water hauler; satellite, group day care center or catered feeding location; catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people; market; vending location; conveyance used to transport people; institution; or food bank; and

(II) That relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

(B) "Establishment" includes:

(I) An element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the regulatory authority; and

(II) An operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off the premises; and regardless of whether there is a charge for the food.

(C) "Establishment" does not include:

(I) A kitchen in a private home if only food that is not potentially hazardous is prepared for sale or service at a function such as a religious or charitable organization's bake sale if allowed by law;

(II) An area where food that is prepared as specified in Subparagraph (C)(I) of this definition, is sold or offered for human consumption;

(III) A kitchen in a private home, such as a small family day-care provider; or

(IV) A private home that receives catered or home-delivered food.

(xlviii) "Establishment number" means an official number assigned by the director to each establishment and included on the inspection legend and label to identify all inspected and passed carcasses, meat, meat food products and meat by-products handled in that establishment.

(xlix) "Exotic animal" means any reindeer, elk, deer, antelope, water buffalo or bison.

(l) "Extracted honey" means honey that has been separated from the comb by centrifugal force, gravity, straining, or by other means.

(li) "Family style meals" means a meal prepared in a bed and breakfast facility or ranch recreation facility and served in the same facility around a common table(s). At no time would a menu or a preselected list of foods be available, and all foods not consumed, which were of a potentially hazardous nature, would be discarded following the meal.

(lii) "Federal inspection" means that the meat and poultry inspection services conducted or approved by the meat inspection division and the poultry inspection division of the United States Department of Agriculture.

(liii) "Federal Meat Inspection Act" means the act of congress approved March 4, 1907, as amended and extended and the imported meat provisions of subsections 306 (b) and (c) of the Tariff Act of 1930 [19 U.S.C. 1306 (b) and (c)], as amended.

(liv) "Federal Poultry Products Inspection Act" means the act of congress approved August 28, 1957, as amended, by the Wholesome Poultry Products Act, 82 Stat. 791; 21 U.S.C. 451.

(lv) "Fish."

(A) "Fish" means fresh or saltwater finfish, crustaceans and other forms of aquatic life (including alligator, frog, aquatic turtle, jellyfish, sea cucumber, and sea urchin and the roe of such animals) other than birds or mammals, and all mollusks, if such animal life is intended for human consumption.

(B) "Fish" includes an edible human food product derived in whole or in part from fish, including fish that have been processed in any manner.

(lvi) "Fluoridated water" means bottled water containing naturally occurring or added fluoride. The label shall specify whether the fluoride is naturally occurring or added. Any water which meets the definition of this paragraph shall contain not less than 0.7 and not more than 1.4 mg/l fluoride ions and otherwise comply with the Food and Drug Administration quality standards set forth in 21 CFR 165.110 Bottled Water.

(lvii) "Food" means:

(A) Articles used for food or drink for humans including meat and ice intended for human consumption;

(B) Chewing gum;

(C) Beverages subject to the Federal Alcohol Administration Act, as amended, (Title 27 U.S.C. 201 et seq.);

(D) Articles used for components of any article under subparagraphs (A), (B), and (C) of this paragraph.

(lviii) "Foodborne disease outbreak" means the occurrence of two (2) or more cases of a similar illness resulting from the ingestion of a common food.

(lix) "Food-contact surface" means:

(A) A surface of equipment or a utensil with which food normally comes into contact; or

(B) A surface of equipment or a utensil from which food may drain, drip, or splash:

(I) Into a food; or

(II) Onto a surface normally in contact with food.

(lx) "Food employee" means an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces.

(lxi) "Game animals" means any big game animal, elk, deer, mountain sheep, wild goat, antelope, moose or bear.

(lxii) "General use pesticide" means a pesticide that is not classified by EPA for restricted use as specified in 40 CFR 152.175.

(lxiii) "Grade A standards" means the requirements of the United States Public Health Service/FDA Grade A Pasteurized Milk Ordinance, as amended, and Grade A Condensed and Dry Milk Ordinance, as amended, with which certain fluid and dry milk and milk products must comply.

(lxiv) "Group residence."

(A) "Group residence" means a private or public housing corporation or institutional facility that provides living quarters and meals.

(B) "Group residence" includes a domicile for unrelated persons such as a retirement home or a long-term health care facility.

(lxv) "HACCP plan" means a written document that delineates the formal procedures for following the Hazard Analysis Critical Control Point principles developed by The National Advisory Committee on Microbiological Criteria for Foods, as amended.

(lxvi) "Hazard" means a biological, chemical, or physical property that may cause an unacceptable consumer health risk.

(lxvii) "Health officer" means the person appointed by the director of the department of health pursuant to W.S. 9-2-101(f) and 9-2-103.

(lxviii) "Hermetically sealed container" means a container that is designed and intended to be secure against the entry of microorganisms and, in the case of low acid canned foods, to maintain the commercial sterility of its contents after processing.

(lxix) "Highly susceptible population" means a group that is composed of persons who are more likely than other groups of persons to experience foodborne disease because they are immunocompromised; or older adults who live in a facility that provides health care or assisted living services, such as a hospital or nursing home; or preschool age children in a facility that provides custodial care, such as a day care center.

(lxx) "Honey" means a food product which is the nectar and saccharin exudation of plants gathered, modified, and stored in the comb by honey bees; is levorotatory; and contains not more than twenty-five percent (25%) of water, not more than twenty-five hundredths percent (.25%) of ash, nor more than eight percent (8%) sucrose.

(lxxi) "Imminent health hazard" means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on:

(A) The number of potential injuries; and

(B) The nature, severity, and duration of the anticipated injury.

(lxxii) "Injected" means manipulating a meat so that infectious or toxigenic microorganisms may be introduced from its surface to its interior through tenderizing with deep penetration or injecting the meat such as with juices which may be referred to as "injecting," "pinning," or "stitch pumping."

(lxxiii) "Juice," when used in the context of food safety, means the aqueous liquid expressed or extracted from one or more fruits or vegetables, purees of the edible portions of one or more fruits or vegetables, or any concentrate of such liquid or puree. This definition does not apply to standards of identity.

(lxxiv) "Kitchenware" means food preparation and storage utensils.

(lxxv) "Law" means applicable local, state, and federal statutes, rules, regulations, and ordinances.

(lxxvi) "License" means the document issued by the regulatory authority that authorizes a person to operate an establishment or a processing plant.

(lxxvii) "License holder" means the entity that:

(A) Is legally responsible for the operation of the establishment or processing plant such as the owner, the owner's agent, or other person; and

(B) Possesses a valid license to operate an establishment or processing plant.

(lxxviii) "Linens" means fabric items such as cloth hampers, cloth napkins, table cloths, wiping cloths, and work garments including cloth gloves.

(lxxix) "Lodging unit" means a room with one (1) or more beds, bunks or other facilities for sleeping purposes for an unspecified number of persons.

(lxxx) "Manufactured" means meat which has been processed by curing, smoking, canning, cooking, freezing, dehydration, production of intermediate moisture products, and/or the use of certain additives, chemicals, and enzymes into a product different from the starting raw material. This definition shall not include simple grinding, cutting, or mixing.

(lxxxix) "Manufacturing Milk" means milk for manufacturing purposes produced for processing and manufacturing into products for human consumption but not subject to Grade A or comparable requirements.

(lxxxix) "Meat" means the edible part of the muscle of animals, which is skeletal or which is found in the tongue, in the diaphragm, in the heart or in the esophagus, with or without the accompanying or overlying fat, and the portions of bone, skin, sinew, nerve and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing; it does not include the muscle found in the lips, snout or ears.

(A) This definition shall be limited to livestock as defined in 9 CFR 301.2 Definitions.

(lxxxix) "Meat by-product" means any edible part of an animal other than meat or meat food products.

(lxxxix) "Meat food product" means any article of food for human consumption or any article which enters into the composition of food for human consumption, which is derived or prepared in whole or in part from any portion of any animal, except organotherapeutic substances, meat juices, meat extract and the like which are only for medicinal purposes and are advertised only to the medical profession; any edible part of the carcass which has been manufactured, cured, smoked, processed or otherwise treated shall be considered a meat food product.

(lxxxix) "mg/l" means milligrams per liter, which is the metric equivalent of parts per million (ppm).

(lxxxix) "Milk grader or milk hauler" means any person who sample, approves or rejects raw milk for utilization in milk products.

(lxxxix) "Milk tester" means any person who tests samples of milk taken by a milk grader for the purpose of determining compliance with this Rule, the United States Public Health Service/FDA Grade A Pasteurized Milk Ordinance, as amended or for payment purposes.

(lxxxix) "Mineral water" means bottled water that contains not less than 500 parts per million mineral solids. "Mineral water" shall meet the requirements of "Natural water."

(lxxxix) "Misbranding" has the meaning stated in the Federal Food, Drug and Cosmetic Act, ' 21 USC 343.

(xc) "Mobile establishment" means an establishment designed to be readily movable such as a vehicle-mounted unit or a pushcart.

(xci) "Molluscan shellfish" means any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions thereof, except when the scallop product consists only of the shucked adductor muscle.

(xcii) "Natural water" means bottled spring, artesian well, or well water which is not derived from a public system and which is unmodified by blending with water from another source or by mineral addition or deletion, except as it relates to ozonation or equivalent disinfection and filtration.

(xciii) "Non-salvageable merchandise" means "distressed merchandise," which cannot be safely or practically reconditioned.

(xciv) "Official establishment" means any slaughtering, cutting, boning, meat canning, curing, smoking, salting, packing, rendering, or similar establishment at which inspection is maintained under the regulatory authority and this Rule.

(xcv) "Official inspection legend" means any symbol prescribed by the director showing that an article was inspected and passed in accordance with this Rule.

(xcvi) "Official inspection mark" means any symbol prescribed by the director for the purpose of identifying the inspection status of any article so inspected.

(xcvii) "Packaged."

(A) "Packaged" means bottled, canned, cartoned, securely bagged, or securely wrapped, whether packaged in an establishment or processing plant.

(B) "Packaged" does not include a wrapper, carry-outbox, or other nondurable container used to contain food with the purpose of facilitating food protection during service and receipt of the food by the consumer.

(xcviii) "Perishable" means there exists a significant risk of spoilage or deterioration when a product has not been properly refrigerated or handled.

(xcix) "Person" means an individual, partnership, a corporation, association, other legal entity, government, or governmental subdivision or agency.

(C) "Person in charge" means the individual present at an establishment or processing plant who is responsible for the operation at the time of inspection.

(ci) "Personal care items."

(A) "Personal care items" means items or substances that may be poisonous, toxic, or a source of contamination and are used to maintain or enhance a person's health, hygiene, or appearance.

(B) "Personal care items" include items such as medicines; first aid supplies; and other items such as cosmetics, and toiletries such as toothpaste and mouthwash.

(cii) "pH" means the symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution. Values between zero (0) and seven (7) indicate acidity and values between seven (7) and fourteen (14) indicate alkalinity. The value for pure distilled water is seven (7), which is considered neutral.

(ciii) "Physical facilities" means the structure and interior surfaces of an establishment including accessories such as soap and towel dispensers and attachments such as light fixtures and heating or air conditioning system vents.

(civ) "Plumbing fixture" means a receptacle or device that:

(A) Is permanently or temporarily connected to the water distribution system of the premises and demands a supply of water from the system; or

(B) Discharges used water, waste materials, or sewage directly or indirectly to the drainage system of the premises.

(cv) "Plumbing system" means the water supply and distribution pipes; plumbing fixtures and traps; soil, waste, and vent pipes; sanitary and storm sewers and building drains, including their respective connections, devices, and appurtenances within the premises; and water-treating equipment.

(cvi) "Poisonous or toxic materials" means substances that are not intended for ingestion and are included in the following four (4) categories:

(A) Cleaners and sanitizers, which include cleaning and sanitizing agents and agents such as caustics, acids, drying agents, polishes, and other chemicals;

(B) Pesticides except sanitizers, which include substances such as insecticides and rodenticides;

(C) Substances necessary for the operation and maintenance of the establishment such as nonfood grade lubricants and personal care items that may be deleterious to health; and

(D) Substances that are not necessary for the operation and maintenance of the establishment and are on the premises for retail sale, such as petroleum products and paints.

(cvii) "Potentially hazardous food."

(A) "Potentially hazardous food" means a food that is natural or synthetic and that requires temperature control because it is in a form capable of supporting:

(I) The rapid and progressive growth of infectious or toxigenic microorganisms;

(II) The growth and toxin production of *Clostridium botulinum*; or

(III) In raw shell eggs, the growth of *Salmonella enteritidis*.

(B) "Potentially hazardous food" includes an animal food (a food of animal origin) that is raw or heat-treated; a food of plant origin that is heat-treated or consists of raw seed sprouts; cut melons; and garlic-in-oil mixtures that are not modified in a way that results in mixtures that do not support growth as specified under Subparagraph (A) of this definition.

(C) "Potentially hazardous food" does not include:

(I) An air-cooled hard-boiled egg with shell intact;

(II) A food with an  $a_w$  value of 0.85 or less;

(III) A food with a pH level of 4.6 or below when measured at 75°F (24°C);

(IV) A food, in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution;

(V) A food for which laboratory evidence demonstrates that the rapid and progressive growth of infectious or toxigenic microorganisms or the growth of *S. enteritidis* in eggs or *C. botulinum* cannot occur, such as a food that has an  $a_w$  and a pH that are above the levels specified under Subparagraph (C) (II) and (III) of this definition and that may contain a preservative, other barrier to the growth of microorganisms, or a combination of barriers that inhibit the growth of microorganisms; and

(VI) A food that does not support the growth of microorganisms as specified under Subparagraph (A) of this definition even though the food may contain an infectious or toxigenic microorganism or chemical or physical contaminant at a level sufficient to cause illness.

(cviii) "Poultry."

(A) "Poultry" means:

(I) Any domesticated bird (chickens, turkeys, ducks, geese, or guineas), whether live or dead, as defined in 9 CFR 381 Poultry Products Inspection Regulations, as amended; and

(II) Any migratory waterfowl, game bird, or squab such as pheasant, partridge, quail, grouse, or guineas, whether live or dead, as defined in 9 CFR 362 Voluntary Poultry Inspection Program, as amended.

(B) "Poultry" does not include ratites.

(cix) "Premises" means:

(A) The physical facility, its contents, and the contiguous land or property under the control of the license holder; or

(B) The physical facility, its contents, and the land or property not described under Subparagraph (A) of this definition, if its facilities and contents are under the control of the license holder and may impact the establishment or processing plant personnel, facilities, or operations, if an establishment or processing plant is only one component of a larger operation such as a health care facility, hotel, motel, school, recreational camp, or prison.

(cx) "Primal cut" means a basic major cut into which carcasses and sides of meat are separated, such as a beef round, pork loin, lamb flank, or veal breast.

(cxi) "Processed" as applied to meat products means fresh meat which has been altered to affect preservation and/or manufacture of meat products, except for simple grinding, cutting, or mixing. This includes curing, smoking, canning, cooking, freezing, dehydration, production of intermediate moisture products, and the use of certain additives, chemicals, and enzymes. Processed does not include otherwise unprocessed meats that are sold in a frozen state.

(cxii) "Processing plant."

(A) "Processing plant" means a commercial operation that manufactures, packages, labels, or stores food for human consumption and may provide food directly to a consumer.

(B) "Processing plant" does not include an establishment as defined under chapter 1, section 8 (XLVII).

(cxiii) "Public water system" has the meaning stated in 40 CFR 141 National Primary Drinking Water Regulations, as amended.

(cxiv) "Purified water" means bottled water produced by distillation, deionization, reverse osmosis, or other suitable process and meets the requirements of

purified water in the 21st Edition of the United States Pharmacopeia. Water which meets the definition of this paragraph, and is vaporized, then condensed, may be labeled "distilled water."

(cxv) "Ranch recreation facility" means a ranch/farm facility containing or having under use agreement one hundred sixty (160) acres or more which may for a charge to the public provide activities for not more than a daily average of eight (8) persons in any given thirty (30) day period or may include sleeping facilities in not more than four (4) sleeping units along with accompanying family style meals. Meals and lodging shall be considered an adjunct to the activities which take place on the ranch and are not available to non-registered guests. This definition does not apply to a dude ranch.

(cxvi) "Ratite" means a group of flightless birds including ostriches, cassowaries, kiwis, emus, etc., having undeveloped wings and a breastbone without a keel.

(cxvii) "Ready-to-eat food."

(A) "Ready-to-eat food" means food that is in a form that is edible without washing, cooking, or additional preparation by the establishment or the consumer and that is reasonably expected to be consumed in that form.

(B) "Ready-to-eat food" includes:

(I) Potentially hazardous food that is unpackaged and cooked to the temperature and time required for the specific food under chapter 3, section 41;

(II) Raw, washed, cut fruits and vegetables;

(III) Whole, raw, fruits and vegetables that are presented for consumption without the need for further washing, such as at a buffet; and

(IV) Other food presented for consumption for which further washing or cooking is not required and from which rinds, peels, husks, or shells are removed.

(cxviii) "Reconditioning" means any appropriate process or procedure by which distressed merchandise can be brought into compliance with the standards of the regulatory authority for consumption or use by the public.

(cxix) "Reconstituted" means dehydrated food products recombined with water or other liquids.

(cxx) "Reduced oxygen packaging."

(A) "Reduced oxygen packaging" means:

(I) The reduction of the amount of oxygen in a package by removing oxygen; displacing oxygen and replacing it with another gas or combination of gases; or otherwise controlling the oxygen content to a level below that normally found in the surrounding 21% oxygen atmosphere; and

(II) A process as specified in Subparagraph (A)(I) of this definition that involves a food for which *Clostridium botulinum* is identified as a microbiological hazard in the final packaged form.

(B) "Reduced oxygen packaging" includes:

(I) Vacuum packaging, in which air is removed from a package of food and the package is hermetically sealed so that a vacuum remains inside the package, such as sous vide;

(II) Modified atmosphere packaging, in which the atmosphere of a package of food is modified so that its composition is different from air but the atmosphere may change over time due to the permeability of the packaging material or the respiration of the food. Modified atmosphere packaging includes reduction in the proportion of oxygen, total replacement of oxygen, or an increase in the proportion of other gases such as carbon dioxide or nitrogen; and

(III) Controlled atmosphere packaging, in which the atmosphere of a package of food is modified so that until the package is opened, its composition is different from air, and continuous control of that atmosphere is maintained, such as by using oxygen scavengers or a combination of total replacement of oxygen, nonrespiring food, and impermeable packaging material.

(cxxi) "Refuse" means solid waste not carried by water through the sewage system.

(cxxii) "Regulatory authority" means the local, state, or federal enforcement body or authorized representative having jurisdiction over the establishment or processing plant.

(cxxiii) "Restricted use pesticide" means a pesticide product that contains the active ingredients specified in 40 CFR 152.175 Pesticides classified for restricted use, and that is limited to use by or under the direct supervision of a certified applicator.

(cxxiv) "Safe materials" means:

(A) An article manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food;

(B) An article that is used as specified in section 409 or 706 of the Federal Food, Drug, and Cosmetic Act, as amended; or

(C) Articles that are used in conformity with applicable regulations.

(cxxv) "Salvage distributor" means a person who engages in the business of selling, distribution or otherwise trafficking in any distressed or salvaged merchandise.

(cxxvi) "Salvage handler" means a person who engages in the business of handling distressed merchandise at the scene of an accident, fire, flood or other disaster, with or without taking ownership of the distressed merchandise.

(cxxvii) "Salvage processing plant" means an establishment primarily engaged in the business of reconditioning or by other means salvaging distressed merchandise and which sells or distributes salvaged merchandise for human or animal consumption or use.

(cxxviii) "Salvageable merchandise" means any distressed merchandise which can be reconditioned to the satisfaction of the regulatory authority.

(cxxix) "Salvaged merchandise" means distressed merchandise which has been reconditioned.

(cxxx) "Sanitization" means the application of cumulative heat or chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of five (5) logs, which is equal to a ninety nine and nine hundred ninety nine thousandths percent (99.999%) reduction, of representative disease microorganisms of public health importance.

(cxxxii) "Sealed" means free of cracks or other openings that allow the entry or passage of moisture.

(cxxxii) "Service animal" means an animal such as a guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability.

(cxxxiii) "Servicing area" means an operating base location to which a mobile establishment or transportation vehicle returns regularly for such things as vehicle and equipment cleaning, discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding food.

(cxxxiv) "Sewage" means liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.

(cxxxv) "Shellfish control authority" means a state, federal, foreign, tribal, or other government entity legally responsible for administering a program that includes certification of molluscan shellfish harvesters and dealers for interstate commerce.

(cxxxvi) "Shellstock" means raw, in-shell molluscan shellfish.

(cxxxvii) "Shipping container or outside container" means the box, bag, barrel, crate, or other receptacle or covering enclosing any product packed in one (1) or more immediate or true containers.

(cxxxviii) "Shucked shellfish" means molluscan shellfish that have one or both shells removed.

(cxxxix) "Single-service article" means tableware, carry-out utensils, and other items such as bags, containers, placemats, stirrers, straws, toothpicks, and wrappers that are designed and constructed for one time, one person use after which they are intended for discard.

(cxl) "Single-use articles."

(A) "Single-use articles" means utensils and bulk food containers designed and constructed to be used once and discarded.

(B) "Single-use articles" include items such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, and number ten (10) cans which do not meet the materials, durability, strength, and cleanability specifications under chapter 6, sections 1, 13 and 16, for multi-use utensils.

(cxli) "Slacking" means the process of moderating the temperature of a food such as allowing a food to gradually increase from a temperature of -10°F (-23°C) to 25°F (-4°C) in preparation for deep-fat frying or to facilitate even heat penetration during the cooking of previously block-frozen food such as spinach.

(cxlii) "Slaughterhouse" shall include all buildings, structures, and facilities used in the slaughtering or dressing of animals for human consumption.

(cxliii) "Smoked" means meat to which smoke or smoke flavorings have been applied/added for the purpose of preservation, color, flavor, and/or aroma.

(cxliv) "Smooth" means:

(A) A food-contact surface having a surface free of pits and inclusions with a cleanability equal to or exceeding that of one hundred (100) grit number three (3) stainless steel;

(B) A nonfood-contact surface of equipment having a surface equal to that of commercial grade hot-rolled steel free of visible scale; and

(C) A floor, wall, or ceiling having an even or level surface with no roughness or projections that render it difficult to clean.

(cxliv) "Spring water" means water derived from an underground formation from which water flows naturally to the surface of the earth. "Spring water" shall meet the requirements of "natural water."

(cxlvi) "Table-mounted equipment" means equipment that is not portable and is designed to be mounted off the floor on a table, counter, or shelf.

(cxlvii) "Tableware" means eating, drinking, and serving utensils for table use such as flatware including forks, knives, and spoons; hollowware including bowls, cups, serving dishes, and tumblers; and plates.

(cxlviii) "Temperature measuring device" means a thermometer, thermocouple, thermistor, or other device that indicates the temperature of food, air, or water.

(cxlix) "Temporary establishment" means an establishment that operates for a period of no more than fourteen (14) consecutive days in conjunction with a single event or celebration.

(cl) "Unwholesome" means any animal, carcass, meat, meat food product or meat by product which:

(A) Is unsound, injurious to health, contains any biological residue not permitted under these rules, or is otherwise unfit for human consumption;

(B) Consists in whole or in part of any filthy, putrid or decomposed substance;

(C) Was processed, prepared, packed or held under insanitary conditions so that the same may have become contaminated or may have become injurious to health;

(D) Was produced in whole or in part from animals which died other than by slaughter.

(cli) "USDA" means the U.S. Department of Agriculture.

(clii) "Utensil" means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food, such as kitchenware or tableware that is multi-use, single-service, or single-use; gloves used in contact with food; food temperature measuring devices; and probe-type price or identification tags used in contact with food.

(cliii) "Variance" means a written document issued by the Wyoming department of agriculture that authorizes a modification or waiver of one or more requirements of this Rule if, in the opinion of the regulatory authority, a health hazard or nuisance will not result from the modification or waiver.

(cliv) "Vehicles" means any truck, car, bus, or other means by which distressed, salvageable or salvaged merchandise is transported from one location to another.

(clv) "Vending machine" means a self-service device that, upon insertion of a coin, paper currency, token, card, key, or by optional manual operation, dispenses unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation.

(clvi) "Vending machine location" means the room, enclosure, space, or area where one or more vending machines are installed and operated and includes the storage areas and areas on the premises that are used to service and maintain the vending machines.

(clvii) "Warewashing" means the cleaning and sanitizing of food-contact surfaces of equipment and utensils.

(clviii) "Water hauler" means any person engaged in the distribution of bulk quantities of water by truck or other type of vehicle or conveyance, for sale for human consumption.

(clix) "Well water" means bottled water from a hole bored, drilled, or otherwise constructed in the ground, which taps the water of an aquifer. "Well water" shall meet the requirements of "natural water."

(clx) "Whole-muscle, intact beef" means whole muscle beef that is not injected, mechanically tenderized, reconstructed, or scored and marinated, from which beef steaks may be cut.

(clxi) "Wholesome" means sound, healthful, clean and otherwise fit for human consumption.

(clxii) "Wyoming condemned," or abbreviation thereof, means the animal so marked has been inspected and found to be in a dying condition, or to be affected with any other condition or disease that would require condemnation of its carcass.

(clxiii) "Wyoming inspected and condemned," or abbreviation thereof, means that the carcass, meat, meat food product or meat by-product, so marked or so identified, is unwholesome or adulterated and shall be disposed of in the manner prescribed by the director.

(clxiv) "Wyoming inspected and passed," or abbreviation thereof, means that the carcass, meat, meat food product, or meat by-product, so marked or so identified, was at the time it was so marked or so identified found to be wholesome.

(clxv) "Wyoming retained" means that the carcass, meat, meat food product so identified is held for further examination by the director or contract veterinarian to determine its disposal.

(clxvi) "Wyoming suspect" means that an animal so marked and identified is suspected of being affected with a disease or condition which may require its condemnation, in whole or in part, when slaughtered, and is subject to further examination by the director or a contract veterinarian to determine its disposal.

#### Section 9. Person in Charge Requirement.

(a) The license 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 establishment or processing plant during all hours of operation.

#### Section 10. Demonstration of Food Safety Knowledge.

(a) Based on the risks of foodborne illness inherent to the establishment or processing plant, during inspections and upon request, the person in charge shall demonstrate to the regulatory authority knowledge of foodborne disease prevention, application of the HACCP principles, if applicable, and the requirements of this Rule. The person in charge shall demonstrate this knowledge by compliance with this Rule, by responding correctly to the inspector's questions as they relate to the specific establishment or processing plant, or by voluntarily being a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program. The areas of knowledge may include:

(i) Describing the relationship between the prevention of foodborne disease and the personal hygiene of a food employee;

(ii) 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;

(iii) Describing the symptoms associated with the diseases that are transmissible through food;

(iv) Explaining the significance of the relationship between maintaining the time and temperature of potentially hazardous food and the prevention of food borne illness;

(v) Explaining the hazards involved in the consumption of raw or undercooked meat, poultry, eggs, and fish;

(vi) Stating the required food temperatures and times for safe cooking of potentially hazardous food including meat, poultry, eggs, and fish;

(vii) Stating the required temperatures and times for the safe refrigerated storage, hot holding, cooling, and reheating of potentially hazardous food;

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

(A) Cross contamination;

(B) Hand contact with ready-to-eat foods;

(C) Handwashing; and

(D) Maintaining the establishment or processing plant in a clean condition and in good repair;

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

(A) Sufficient in number and capacity; and

(B) Properly designed, constructed, located, installed, operated, maintained, and cleaned;

(x) Explaining correct procedures for cleaning and sanitizing utensils and food-contact surfaces of equipment;

(xi) 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;

(xii) Identifying poisonous or toxic materials in the establishment or processing plant and the procedures necessary to ensure that they are safely stored, dispensed, used, and disposed of according to law;

(xiii) 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 Rule; and

(xiv) 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 Rule, or an agreement between the regulatory authority and the establishment or processing plant.

Section 11. Person in Charge, Duties.

(a) The person in charge shall ensure that:

(i) Establishment or processing plant operations are not conducted in a private home or in a room used as living or sleeping quarters as specified under chapter 9, section 42;

(ii) Persons unnecessary to the establishment or processing plant operation are not allowed in the food preparation, food storage, or warewashing 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;

(iii) Employees and other persons such as delivery and maintenance persons and pesticide applicators entering the food preparation, food storage, and warewashing areas comply with this Rule;

(iv) Employees are effectively cleaning their hands, by routinely monitoring the employees' handwashing;

(v) 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;

(vi) Employees are properly cooking potentially hazardous 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 chapter 6, section 38(b), and section 48;

(vii) Employees are using proper methods to rapidly cool potentially hazardous 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;

(viii) Employees are cooking food sufficiently to ensure its safety;

(ix) Employees are properly sanitizing cleaned multi-use 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;

(x) 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 chapter 3, section 53;

(xi) 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; and

(xii) Employees are properly trained in food safety as it relates to their assigned duties.

## Section 12. Health Status of Food Employees and Applicants.

(a) The license holder shall require food employee applicants to whom a conditional offer of employment is made and food employees to report to the person in charge information about their health and activities as they relate to diseases that are transmissible through food. A food employee or applicant shall report the information in a manner that allows the person in charge to prevent the likelihood of foodborne disease transmission, including the date of onset of jaundice or of an illness specified under chapter 1, section 12(a)(iii), if the food employee or applicant:

(i) Has a symptom caused by illness, infection, or other source that is:

(A) Associated with an acute gastrointestinal illness such as:

(I) Diarrhea;

(II) Fever;

(III) Vomiting;

(IV) Jaundice; or

(V) Sore throat with fever, or boil or infected wound;

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

(I) On the hands or wrists, unless an impermeable cover such as a finger cot protects the lesion and a single-use glove is worn over the impermeable cover;

(II) On exposed portions of the arms, unless the lesion is protected by an impermeable cover; or

(III) On other parts of the body, unless the lesion is covered by a dry, durable, tight-fitting bandage;

(ii) Is diagnosed with an illness due to:

(A) *Salmonella sp*;

(B) *Shigella spp.*;

(C) *Escherichia coli* O157:H7, or other toxigenic *E.coli*; or

(D) Hepatitis A virus;

(iii) Had a past illness from an infectious agent specified under chapter 1, section 12(a)(ii); or

(iv) Meets one or more of the following high-risk conditions:

(A) Is suspected of causing, or being exposed to, a confirmed disease outbreak caused by *S. sp*, *Shigella spp.*, *E. coli* O157:H7, or hepatitis A virus illness including an outbreak at an event such as a family meal, church supper, or festival because the food employee or applicant:

(I) Prepared food implicated in the outbreak;

(II) Consumed food implicated in the outbreak; or

(III) Consumed food at the event prepared by a person who is infected or ill with the infectious agent that caused the outbreak or who is suspected of being a shedder of the infectious agent;

(B) Lives in the same household as a person who is diagnosed with a disease caused by *S. sp*, *Shigella spp.*, *E. coli* O157:H7, or hepatitis A virus; or

(C) Lives in the same household as a person who attends or works in a setting where there is a confirmed disease outbreak caused by *S. sp*, *Shigella spp.*, *E. coli* O157:H7, or hepatitis A virus.

### Section 13. Exclusions and Restrictions of Food Employees.

(a) The person in charge shall:

(i) Exclude a food employee from an establishment or processing plant if the food employee is diagnosed with an infectious agent specified under chapter 1, section 12(a)(ii);

(ii) Except as specified under chapter 1, section 13(iii) or (iv), restrict a food employee from working with exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles, in an establishment or processing plant if the food employee is:

(A) Suffering from a symptom specified under chapter 1, section 12(a)(i); or

(B) Not experiencing a symptom of acute gastroenteritis specified under chapter 1, section 12(a)(i)(A) but has a stool that yields a specimen culture that is positive for *Salmonella sp*, *Shigella spp.*, or *Escherichia coli* O157:H7;

(iii) If the population served is a highly susceptible population, exclude a food employee who:

(A) Is experiencing a symptom of acute gastrointestinal illness specified under chapter 1, section 12(a)(i)(A), and meets a high-risk condition specified under chapter 1, section 12(a)(iv)(A)-(C);

(B) Is not experiencing a symptom of acute gastroenteritis specified under chapter 1, section 12 (a)(i)(A), but has a stool that yields a specimen culture that is positive for *S. sp*, *Shigella spp.*, or *E. coli* O157:H7;

(C) Had a past illness from *S. sp* within the last three (3) months;

(D) Had a past illness from *Shigella spp.* or *E. coli* O157:H7 within the last month; and

(iv) For a food employee who is jaundiced:

(A) If the onset of jaundice occurred within the last seven (7) calendar days, exclude the food employee from the establishment or processing plant; or

(B) If the onset of jaundice occurred more than seven (7) calendar days before:

(I) Exclude the food employee from an establishment or processing plant that serves a highly susceptible population; or

(II) Restrict the food employee from activities specified under chapter 1, section 13(a)(ii), if the establishment does not serve a highly susceptible population.

(b) In addition, the regulatory authority may order the exclusion or restrictions of an employee who is known to be infected with a disease transmissible by food.

Section 14. Removal of Exclusions and Restrictions of Food Employees.

(a) The person in charge may remove an exclusion specified under chapter 1, section 13(a)(i), if:

(i) The person in charge obtains approval from the regulatory authority;  
and

(ii) The person excluded as specified under chapter 1, section 13(a)(i), provides to the person in charge written medical documentation from a physician licensed to practice medicine, a nurse practitioner, or physician assistant that specifies that the excluded person may work in an unrestricted capacity in an establishment or processing plant, including an establishment that serves a highly susceptible population, because the person is free of the infectious agent of concern.

(b) The person in charge may remove a restriction specified under chapter 1, section 13(a)(ii)(A), if the restricted person:

(i) Is free of the symptoms specified under chapter 1, section 12(a)(i), and no foodborne illness occurs that may have been caused by the restricted person;

(ii) Is suspected of causing foodborne illness but:

(A) Is free of the symptoms specified under chapter 1, section 12(a)(i); and

(B) Provides written medical documentation from a physician licensed to practice medicine, a nurse practitioner, or physician assistant stating that the restricted person is free of the infectious agent that is suspected of causing the person's symptoms or causing foodborne illness;

(iii) Provides written medical documentation from a physician licensed to practice medicine, a nurse practitioner, or physician assistant stating that the symptoms experienced result from a chronic noninfectious condition such as Crohn's disease, irritable bowel syndrome, or ulcerative colitis; or

(iv) Provides written medical documentation from a physician licensed to practice medicine, a nurse practitioner, or physician assistant that indicates the stools are free of *Salmonella typhi*, *Shigella spp.*, or *E. coli* O157:H7, whichever is the infectious agent of concern.

(c) The person in charge may remove an exclusion specified under chapter 1, section 13(a)(iii), if the excluded person provides written medical documentation from a physician licensed to practice medicine, a nurse practitioner, or physician assistant:

- (i) That specifies that the person is free of:
  - (A) The infectious agent of concern; or
  - (B) Jaundice if hepatitis A virus is the infectious agent of concern;

or

- (ii) That the symptoms experienced result from a chronic noninfectious condition such as Crohn's disease, irritable bowel syndrome, or ulcerative colitis.

(d) The person in charge may remove an exclusion specified under chapter 1, section 13(a)(iv)(A), and chapter 1, section 13(a)(iv)(B)(I), and a restriction specified under chapter 1, section 13(a)(iv)(B)(II), if:

- (i) No foodborne illness occurs that may have been caused by the excluded or restricted person and the person provides written medical documentation from a physician licensed to practice medicine, a nurse practitioner, or physician assistant that specifies that the person is free of hepatitis A virus; or

- (ii) The excluded or restricted person is suspected of causing foodborne illness and complies with the requirements in chapter 1, section 14(d)(i).

**Section 15. Responsibility of a Food Employee or an Applicant to Report to the Person in Charge.**

(a) A food employee or a person who applies for a job as a food employee shall:

- (i) In a manner specified under chapter 1, section 12(a), report to the person in charge the information specified under chapter 1, section 12(a)(i)-(iv); and

- (ii) Comply with exclusions and restrictions that are specified under chapter 1, section 13(a)(i)-(iv).

**Section 16. Reporting by the Person in Charge.**

(a) The person in charge shall notify the regulatory authority that a food employee is diagnosed with an illness due to, *Salmonella sp*, *Shigella spp.*, *Escherichia coli* O157:H7, or hepatitis A virus.

Section 17. Bed and Breakfast and Ranch Recreation Requirements.

(a) Food service provided at bed and breakfast and ranch recreation facilities shall be for the bona fide guests of said facilities and shall not be available for charge or otherwise to other members of the public that might be present.

(i) The kitchen in a bed and breakfast or ranch recreation facility in a home may be equipped the same as any normal home style kitchen provided food safety procedures can be achieved.

Section 18. State Meat and Poultry Inspection Program.

(a) As authorized by W.S. 35-7-123; 9 CFR, 321 Cooperation with States and Territories, as amended, and 9 CFR 381 Subpart R-Cooperation with States and Territories; Certification of State and Territorial Programs as at Least Equal to Federal Program, as amended, the Regulatory Authority shall maintain a State Meat and Poultry Inspection Program.

(i) The director shall administer and enforce the provisions of this Rule and shall employ or contract with such persons as may be appropriate.

Section 19. Adoption of Federal Regulations.

(a) For the purpose of all chapters, the citations herein are referenced throughout this Rule.

(i) The Code of Federal Regulations (CFR): 7 CFR 56 Regulations Governing the Voluntary Grading of Shell Eggs; 7 CFR 57 Regulation Governing the Inspection of Eggs and Egg Products; 9 CFR 301 Definitions; 9 CFR 302 Application of Inspection and Other Requirements; 9 CFR 303 Exemptions; 9 CFR 304 Application for Inspection; Grant of Inspection; 9 CFR 305.1 Official numbers; subsidiaries and tenants; 9 CFR 305.2 Separation of official establishments; 9 CFR 305.3 Sanitation and adequate facilities; 9 CFR 305.4 Inauguration of inspection; 9 CFR 305.5 Withdrawal of inspection; statement of policy; 9 CFR 306 Assignment and Authorities of Program Employees; 9 CFR 307 Facilities for Inspection; 9 CFR 309 Antemortem Inspection; 9 CFR 310 Postmortem Inspection; 9 CFR 311 Disposal of Diseased or Otherwise Adulterated Carcasses and Parts; 9 CFR 312 Official Marks, Devices and Certificates; 9 CFR 313 Humane Slaughter of Livestock; 9 CFR 314 Handling and Disposal of Condemned or other Inedible Products at Official Establishments; 9 CFR 315 Rendering or other Disposal of Carcasses and Parts Passed for Cooking; 9 CFR 316 Marking Products and Their Containers; 9 CFR 317 Labeling, Marking Devices, and Containers; 9 CFR 318 Entry into Official Establishments; Reinspection and Preparation of Products; 9 CFR 319 Definitions and Standards of Identity or Composition; 9 CFR 321 Cooperation with States and Territories; 9 CFR 352 Exotic Animals; Voluntary Inspection; 9 CFR 354 Voluntary Inspection of Rabbits and Edible

Products Thereof; 9 CFR 362 Voluntary Poultry Inspection Regulations; 9 CFR 381 Poultry Products Inspection Regulations; 9 CFR 416 Sanitation; 9 CFR 417 Hazard Analysis and Critical Control Point (HACCP) Systems; 21 CFR 70 Color Additives; 21 CFR 101 Food Labeling; 21 CFR 110 Current good manufacturing practice in manufacturing, packing, or holding human food; 21 CFR 129 Processing and Bottling of Bottled Drinking Water; 21 CFR 130 Food standards: General; 21 CFR 133 Cheeses and related cheese products; 21 CFR 135 Frozen Desserts; 21 CFR 170 Food additives; 21 CFR 171 Food additive petitions; 21 CFR 172 Food additives permitted for direct addition to food for human consumption; 21 CFR 173 Secondary direct food additives permitted in food for human consumption; 21 CFR 174 Indirect food additives: General; 21 CFR 175 Indirect food additives: Adhesives and components of coatings; 21 CFR 176 Indirect food additives: pater and paperboard components; 21 CFR 177 Indirect food additives: Polymers; 21 CFR 178 Indirect food additives: Adjuvants, production aids, and sanitizers; 21 CFR 179 Irradiation in the production, processing and handling of food; 21 CFR 180 Food additives permitted in food or in contact with food on an interim basis pending additional study; 21 CFR 181 Prior-sanctioned food ingredients; 21 CFR 182 Substances generally recognized as safe; 21 CFR 186 Indirect substances affirmed as generally recognized as safe; 21 CFR 219.80 Processes and controls; 21 CFR 1030.10 Microwave Ovens; 40 CFR 141 National Primary Drinking Water Regulations; 40 CFR 152.175 Pesticides Classified for Restricted Use; 40 CFR 185 Tolerances for Pesticides in Food; 50 CFR 17 Endangered and Threatened Wildlife and Plants.

(ii) 7 USC 136(e) Certified Applicator, etc; Federal Food, Drug, and Cosmetic Act ' 201(s) & (t); Federal Food, Drug, and Cosmetic Act ' 343; Federal Food, Drug, and Cosmetic Act ' 402; Federal Food, Drug, and Cosmetic Act ' 403(Q)(3)-(5); Federal Food, Drug, and Cosmetic Act ' 409; Federal Food, Drug, and Cosmetic Act ' 706; National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish; and U.S. Public Health Service/FDA "Grade A Pasteurized Milk Ordinance", "Grade A Condensed and Dry Milk Ordinance", United States Department of Agriculture/Agriculture Marketing Service "Milk for Manufacturing Purposes and its Production and Processing"; the Uniform Plumbing Code; the USDA AMS 56 U.S. Standards, Grades, and Weight Classes for Shell Eggs; 50 FR 15861 United States Standards for Grades of Extracted Honey and 32 FR 7565 United States Standards for Grades of Comb Honey.

(iii) Regulations, rules, and other authorities listed in (i) and (ii) above shall be adopted by the Regulatory Authority insofar as those procedures are not inconsistent with the rules, regulations and laws of the State of Wyoming. These documents are available to the public at the office of the Regulatory Authority.

(b) These regulations listed in (a) above shall be used as amended whenever they are referenced. All other regulations, rules or other authorities referenced in this Rule shall be used according to the date specified in this Rule.