Important Changes to Food Regulations

This is intended to be a summary of important changes (duties, responsibilities, requirements, or working conditions) associated with the adoption of the 2013 Food Code. It is not intended to be a complete list of changes between the previous regulations (year 2000) and the current/new regulations (2016). Please visit https://www.env.nm.gov/fod/Food_Program/Regulation_Update.htm for more information and resources.

Supervision and Employee Certification	
2-101.11 - Assignment	A Person in Charge is required during all hours of operation.
2-102.11 – Demonstration 2-103.11 – Duties	The Person in Charge shall demonstrate food safety knowledge and perform required duties.
2-102.12 & 2-102.20 Certified Food Protection Manager	One certified food protection manager per permit with the authority to direct and control food preparation and service is required. (Effective date 3/1/17)
2-104.11 – Food Handler Cards	Food Employees are required to have food handler cards. See exemptions. (Effective date 3/1/17)
8-405.11 – Timely Correction	A permit holder must correct priority item or priority foundation item violations at the time of inspection. If the complexity of the corrective action requires further time, a maximum time of 72 hours for priority items and 10 days for priority foundation items may be allowed.

Employee Health	
2-201.11 – Responsibilities and Reporting Symptoms and Diagnosis	Permit holders must require food employees to report to the Person in Charge any information about their health related to diseases that are transmissible through food.
2-201.12 – Exclusions and Restrictions	Person in Charge shall exclude or restrict a food employee (if necessary) based upon the parameters outlined in this section.
2-501.11 – Clean-up of Vomiting and Diarrheal Events	Procedures are required for cleaning up of vomiting and diarrheal events to minimize the spread of contamination and exposure.

Permit Fees	
8-303.15 – Permit Fees, Late Fees and Expiration Dates	A re-inspection penalty fee of $100 will be assessed for priority item violations or repeat priority item violations that require an NMED follow-up inspection.

Consumer Advisory	
3-603.11 – Consumer Advisory 3-801.11 – Additional Safeguards	Consumer Advisory (disclosure and reminder) is required when raw or undercooked foods are served. Certain restrictions exist for facilities serving highly susceptible populations.

Bare hand Contact	
3-301.11 Preventing Contamination from Hands	Bare hand contact with ready to eat foods is prohibited. Suitable utensils are deli tissue, spatulas, tongs, single-use glove or dispensing equipment.
2-403.11 – Handling Prohibition	Food Employees may not handle animals. See exemptions.
3-304.15 – Gloves, Use Limitation	Single-use gloves may only be used for one task and discarded when damaged or soiled, or an interruption in use occurs. See (B)-(D) for info concerning slash-resistant and cloth gloves.

Receiving Temperatures	
3-202.11	Time/temperature control for safety foods (TCS) must be received at 41°F or less and not show evidence of temperature abuse. Exceptions: eggs and molluscan shellfish 45°F or less, hot food 135°F or above, food labeled frozen must be frozen.

Holding temperatures	
3-501.16 – Hot and Cold Holding	Hot holding 135°F or above Cold holding 41°F or less
3-501.19 – Time as a Public Health Control	Time without temperature control may be used for time/temperature control for safety foods (TCS) if the requirements of this section are met.

Cooking	
3-401.11 – Raw Animal Foods	Raw animal foods cooking times/temps are new. See chart below for changes that apply to common foods. See 3-401.11 (C) for further info. concerning cooking & service of steak that is labeled "whole muscle, intact beef"
3-401.14 – Non-continuous cooking of raw animal foods	Non-continuous cooking procedures that meet the requirements of this section may be utilized, but must be pre-approved by NMED and kept on file at the facility.

Internal Cooking Temperature	Raw Animal Foods
145°F for 15 seconds	• Raw eggs cooked for immediate service • Fish, except as listed below • Meat, except as listed in the next 2 rows • Commercially raised game animals, rabbits
155°F for 15 seconds: **(See 3-401.11(A)(2) for further info)**	• Ratites (Ostrich, Rhea and Emu) • Injected meats • Mechanically tenderized meats • Raw eggs not for immediate service • Comminuted meat, fish, or commercially raised game animals
165°F for 15 seconds:	• Wild game animals • Poultry • Stuffed fish, meat, pork, pasta, ratites & poultry • Stuffing containing fish, meat, ratites & poultry

*** Whole Meat Roasts:** Refer to cooking charts in the *Food Code* ¶ 3-401.11(B)

Cooling	
3-501.14 – Cooling 3-501.15 – Cooling Methods	Cooked time/temperature control for safety foods (TCS) must be cooled within 2 hours from 135°F to 70°F and within a total of 6 hours from 135°F to 41°F or less utilizing one or more methods described in section 3-501.15. Ambient TCS foods (such as canned tuna) must be cooled to 41°F within 4 hours or less after preparation.

Handwashing	
5-202.12 – Handwashing Sink, Installation	Water temperature at handwashing sink must be a minimum of 100°F.
6-301.14 – Handwashing Signage	Handwashing signs must be posted at all handwashing sinks.
2-3 Personal Cleanliness	Describes who, what, when, where, and how to wash hands and arms. See also for fingernails, jewelry, and outer clothing.
2-403.11 – Handling Prohibition	Food Employees w/ service animals may handle the animal, if hands are properly washed in accordance with 2-301.12 and 2-301.14(C).

Labels	
3-602.11 Food Labels	• Food packaged in a food establishment must be properly labeled. See section for details. • Self-dispensing bulk food that is available for consumers shall be labeled with manufacturer label or card with information described in this section.

Service Sink	
5-203.13 Service Sink	At least one service sink or curbed cleaning facility equipped with floor drain shall be proved for the cleaning of mops or similar cleaning tools. **Toilets and urinal may not be used for the disposal of mop water and similar waste.**

Cleaning of Equipment and Utensils	
4-6 Cleaning of Equipment and Utensils	The frequency for cleaning equipment and utensils is described in detail in this section. Examples include: changing between raw to ready to eat foods, TCS Equipment contact surfaces every 4 hours, microwaves every 24 hours etc.
3-304.14 – Wiping Cloths, Use Limitation	Cloths in-use for wiping surfaces in contact with raw animal foods must be kept separate from cloths used for other purposes. All sanitizer buckets must be stored off of the floor.

Water	
5-101.11 – Approved System	Food Establishments may not operate without water, or approval from NMED.

Responsibilities of Permit Holder	
8-304.11 – Responsibilities	Notify customers that a copy of the most recent inspection form is available upon request. See section for details and other Permit Holder responsibilities.

Mobile Food Establishments (Chapter 9)	
9.D Required information	The following information is now required: 1) Location of potable water source 2) location and method of solid and liquid waste disposal 3) identification system to distinguish the permitted unit from others.
9.E Electrical / Fuel	Adequate electrical and fuel capacity needed at all times when food temperature control is required.
9.F Toilet Facilities	Unit shall operate within 200 ft. of toilet facilities whenever unit is stopped more than 2 hours.
5-401.11 Mobile Holding Tank	A sewage holding tank must to be 15% larger than water tank and sloped to a drain 1 inch or greater equipped with a shut-off valve.
5-402.14 Removing mobile food establishment waste	Sewage and liquid waste from a mobile shall be removed at an approved waste servicing area or by a sewage transport vehicle.
9.I Notification	Notify office before operating in an area outside of the permitting office.
9.J Agreement	Non-self-contained mobile units and pushcarts require a written agreement with a servicing area. Prior to discontinuing use of that location and utilizing a new location a new written agreement must be approved by NMED.
5-3 Mobile water tank and Mobile food establishment water tank	Describes materials, design and construction, number and capacities, and operation and maintenance.

Temporary Food Establishments (Chapter 10)	
Chart 10-1	Describes construction and equipment requirements.
10.D(3) Required information	Provide in writing: 1) Location of potable water source 2) location and method of solid and liquid waste disposal.
10.B(5) & 10.D(2) Additional requirements	Advanced food preparation may be allowed if written agreement with servicing area is provided. See section for written agreement requirements.