



This summary provides an overview of approved changes to 7.6.2 NMAC (Food Regulations) effective January 1, 2019. The primary intent of this summary is to outline the changes of content, rather than to identify every word or editing change. This is not an absolute comparison that identifies every change from the previous 2016 version of the Food Regulations.

1. Adoption of the most recent FDA Model Food Code (Food Code) with modifications, exceptions and omissions.

2016 Version	2019 Approved
2013 Food Code	2017 Food Code

2. Addition of new definition. New to 2017 Food Code and adopted “as-is”.

2016 Version	2019 Approved
“Intact Meat” not defined	“Intact Meat” now defined (page 12 – 2017 Food Code)

3. Modified Certified Food Protection Manager requirement (2-102.12).

2016 Version	2019 Approved
<ul style="list-style-type: none"> • A Certified Food Protection Manager is required for each Food Permit issued by NMED. • Effective date of one year after effective date of Regulations. 	<ul style="list-style-type: none"> • A Certified Food Protection Manager is required for each Food Permit issued by NMED. • A Certified Food Protection Manager is permitted to be responsible for <u>more than a single food establishment</u> with an approved variance. • A Certified Food Protection Manager is <u>not</u> required for food facilities permitted as Manufactured Food facilities. • Effective date April 1, 2019.

4. Modified Food Handler Card requirement to include certain exemptions (2-104.11).

2016 Version	2019 Approved
<ul style="list-style-type: none"> • Food Employees who handle any foods are required to have a Food Handler Card. 	<ul style="list-style-type: none"> • Certain exemptions are approved as follows: <ul style="list-style-type: none"> ○ Exemptions as listed below ○ Employees who qualify for an exemption must still receive training that is applicable to food-related job duties ○ Permit Holders (food facility owners) must maintain a record of the exempted employee’s training for the duration of employment. • Effective date April 1, 2019.

Approved Food Handler Card Exemptions

2019 Approved Exemption #1
Food Employees who only handle non-TCS foods are exempt, provided the permit holder (facility owner or designee) provides training and maintains record of training. *

2019 Approved Exemption #2

Employees or volunteers who occasionally function as Food Employees are exempt, provided the permit holder provides training and maintains record of training. *

Examples include: restaurant hosts, teachers assisting with family-style dining, and nurses/therapists assisting patients.

2019 Approved Exemption #3

Food Employees, or volunteers working as Food Employees, are exempted, provided that the permit holder provides training and maintains record of training. *

NOTE: Person-in-Charge of the Temporary event during all hours of operation must have a Food Handler Card or be a Certified Food Protection Manager.

2019 Approved Exemption #4 (Same as 2016 Version)

NMED may approve an entity's (Company's) training program to be used in lieu of requiring a food handler card of its food employees that require Food Handler Cards.**

- Food employee must complete entity's approved training program at least every three years.
- Exemption is only valid during the food employee's time of employment with entity that administered the training.

2019 Approved Requirements and Further Examples

- Required to have Food Handler Cards
 - Home-based Food Processors (and Food Employees) must have Food Handler Cards
 - Food Employees working at Manufactured Food Facilities
- Examples of Food Employees who qualify for the Food Handler Card Exemption*
 - Prisoners working in food service in a prison
 - Persons participating in food service at National Guard Armories (provided that at least one of the exemptions listed above is met)
 - Teachers and students of Culinary Arts Programs @ Schools (provided that at least one of the exemptions listed above is met)
- Examples of Food Employees who may qualify for the Food Handler Card Exemption*
 - Food Employees of Bakeries

* NMED Food Program is developing a training curriculum packet that may be used by permit holders, if they choose. It will be posted on the Food Program website before 1/31/19.

** A copy of the "Training Program for Food Handler Card Exemption" application may be obtained by contacting the Food Program at food.program@state.nm.us or (505) 222-9515.

5. Addition of section 2-401.13. New to 2017 Food Code and adopted “as-is”.

2016 Version	2019 Approved
N/A	<p>2-401.13 Use of Bandages, Finger Cots, or Finger Stalls</p> <p>If used, an impermeable cover such as a bandage, finger cot or finger stall located on the wrist, hand or finger of a FOOD EMPLOYEE working with exposed FOOD shall be covered with a single-use glove.</p>

6. Modified 2-501.11 to require vomiting and diarrheal procedures be written. New to 2017 Food Code and adopted “as-is”.

2016 Version	2019 Approved
<p>2-501.11 Clean-up of Vomiting and Diarrheal Events.</p> <p>A FOOD ESTABLISHMENT shall have procedures for EMPLOYEES to follow when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter onto surfaces in the FOOD ESTABLISHMENT. The procedures shall address the specific actions EMPLOYEES must take to minimize the spread of contamination and the exposure of EMPLOYEES, consumers, FOOD, and surfaces to vomitus or fecal matter.</p>	<p>2-501.11 Clean-up of Vomiting and Diarrheal Events.</p> <p>A FOOD ESTABLISHMENT shall have <u>written</u> procedures for EMPLOYEES to follow when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter onto surfaces in the FOOD ESTABLISHMENT. The procedures shall address the specific actions EMPLOYEES must take to minimize the spread of contamination and the exposure of EMPLOYEES, consumers, FOOD, and surfaces to vomitus or fecal matter.</p>

7. Modified 3-302.11 by adding new (A)(1)(c) to indicate separating raw animal foods from fruits and vegetables before they are washed. New to 2017 Food Code and adopted “as-is”.

2016 Version	2019 Approved
N/A	<p>3-302.11 Packaged and Unpackaged Food - Separation, Packaging, and Segregation.</p> <p>(A) FOOD shall be protected from cross contamination by:</p> <p>(1) Except as specified in (1)(d) below, separating raw animal FOODS during storage, preparation, holding, and display from:</p> <p>(c) Fruits and vegetables before they are washed;</p>

8. Modified 3-401.11 by to include Intact Meat in (A)(1)(b). New to 2017 Food Code and adopted “as-is”.

2016 Version	2019 Approved
<p>3-401.11 Raw Animal Foods. (A) Except as specified under ¶ (B) and in ¶¶ (C) and (D) of this section, raw animal FOODS such as EGGS, FISH, MEAT, POULTRY, and FOODS containing these raw animal FOODS, shall be cooked to heat all parts of the FOOD to a temperature and for a time that complies with one of the following methods based on the FOOD that is being cooked:</p> <p>(1) 63° C (145° F) or above for 15 seconds for: P</p> <p>(b) Except as specified under Subparagraphs (A)(2) and (A)(3) and ¶ (B), and in ¶ (C) of this section, FISH and MEAT including GAME ANIMALS commercially raised for FOOD as specified under Subparagraph 3-201.17(A)(1) and GAME ANIMALS under a voluntary inspection program as specified under Subparagraph 3-201.17(A)(2); P</p>	<p>3-401.11 Raw Animal Foods. (A) Except as specified under ¶ (B) and in ¶¶ (C) and (D) of this section, raw animal FOODS such as EGGS, FISH, MEAT, POULTRY, and FOODS containing these raw animal FOODS, shall be cooked to heat all parts of the FOOD to a temperature and for a time that complies with one of the following methods based on the FOOD that is being cooked:</p> <p>(1) 63° C (145° F) or above for 15 seconds for: P</p> <p>(b) Except as specified under Subparagraphs (A)(2) and (A)(3) and ¶ (B), and in ¶ (C) of this section, FISH and <u>INTACT MEAT</u> including GAME ANIMALS commercially raised for FOOD as specified under Subparagraph 3-201.17(A)(1) and GAME ANIMALS under a voluntary inspection program as specified under Subparagraph 3-201.17(A)(2); P</p>

9. Modified 3-401.11(A)(2) to increase cooking time of certain foods from 15 seconds to 17 seconds. New to 2017 Food Code and adopted “as-is”.

2016 Version	2019 Approved
<p>3-401.11 Raw Animal Foods. (A) Except as specified under ¶ (B) and in ¶¶ (C) and (D) of this section, raw animal FOODS such as EGGS, FISH, MEAT, POULTRY, and FOODS containing these raw animal FOODS, shall be cooked to heat all parts of the FOOD to a temperature and for a time that complies with one of the following methods based on the FOOD that is being cooked:</p> <p>(2) 68° C (155° F) for 15 seconds or the temperature specified in the following chart that corresponds to the holding time for RATITES, MECHANICALLY TENDERIZED, and INJECTED MEATS; the following if they are COMMINUTED: FISH, MEAT, GAME ANIMALS commercially raised for FOOD as specified under Subparagraph 3-201.17(A)(1), and GAME ANIMALS under a voluntary inspection program as specified under Subparagraph 3-201.17(A)(2); and raw EGGS that are not prepared as specified under Subparagraph (A)(1)(a) of this section:</p>	<p>3-401.11 Raw Animal Foods. (A) Except as specified under ¶ (B) and in ¶¶ (C) and (D) of this section, raw animal FOODS such as EGGS, FISH, MEAT, POULTRY, and FOODS containing these raw animal FOODS, shall be cooked to heat all parts of the FOOD to a temperature and for a time that complies with one of the following methods based on the FOOD that is being cooked:</p> <p>(2) 68° C (155° F) for <u>17 seconds</u> or the temperature specified in the following chart that corresponds to the holding time for RATITES, MECHANICALLY TENDERIZED, and INJECTED MEATS; the following if they are COMMINUTED: FISH, MEAT, GAME ANIMALS commercially raised for FOOD as specified under Subparagraph 3-201.17(A)(1), and GAME ANIMALS under a voluntary inspection program as specified under Subparagraph 3-201.17(A)(2); and raw EGGS that are not prepared as specified under Subparagraph (A)(1)(a) of this section:</p>

10. Modified 3-401.11(A)(3) to decrease cooking time of certain foods from 15 seconds to <1 second (instantaneous). New to 2017 Food Code and adopted “as-is”.

2016 Version	2019 Approved
<p>3-401.11 Raw Animal Foods. (A) Except as specified under ¶ (B) and in ¶¶ (C) and (D) of this section, raw animal FOODS such as EGGS, FISH, MEAT, POULTRY, and FOODS containing these raw animal FOODS, shall be cooked to heat all parts of the FOOD to a temperature and for a time that complies with one of the following methods based on the FOOD that is being cooked:</p> <p>(3) 74 ° C (165 ° F) or above for 15 seconds for POULTRY, BALUTS, wild GAME ANIMALS as specified under Subparagraphs 3-201.17(A)(3) and (4), stuffed FISH, stuffed MEAT, stuffed pasta, stuffed POULTRY, stuffed RATITES, or stuffing containing FISH, MEAT, POULTRY, or RATITES.</p>	<p>3-401.11 Raw Animal Foods. (A) Except as specified under ¶ (B) and in ¶¶ (C) and (D) of this section, raw animal FOODS such as EGGS, FISH, MEAT, POULTRY, and FOODS containing these raw animal FOODS, shall be cooked to heat all parts of the FOOD to a temperature and for a time that complies with one of the following methods based on the FOOD that is being cooked:</p> <p>(3) 74 ° C (165 ° F) or above for <u>< 1 second (instantaneous)</u> for POULTRY, BALUTS, wild GAME ANIMALS as specified under Subparagraphs 3-201.17(A)(3) and (4), stuffed FISH, stuffed MEAT, stuffed pasta, stuffed POULTRY, stuffed RATITES, or stuffing containing FISH, MEAT, POULTRY, or RATITES.</p>

11. Addition of Section 4-303.11. New to 2017 Food Code and adopted “as-is”.

2016 Version	2019 Approved
<p>N/A</p>	<p>4-303.11 Cleaning Agents and Sanitizers, Availability</p> <p>(A) Cleaning agents that are used to clean EQUIPMENT and UTENSILS as specified under Part 4-6, shall be provided and available for use during all hours of operation.</p> <p>(B) Except for those that are generated on-site at the time of use, chemical SANITIZERS that are used to sanitize EQUIPMENT and UTENSILS as specified under Part 4-7, shall be provided and available for use during all hours of operation.</p>

12. Modified 5-203.11 to remove use of chemically treated towelettes in place of handwashing sinks.

2016 Version	2019 Approved
<p>5-203.11 Handwashing Sinks. (A) Except as specified in ¶¶ (B) and (C) of this section, at least 1 HANDWASHING SINK, a number of HANDWASHING SINKS necessary for their convenient use by EMPLOYEES in areas specified under § 5-204.11, and not fewer than</p>	<p>5-203.11 Handwashing Sinks. (A) Except as specified in ¶ (B) of this section, at least 1 HANDWASHING SINK, a number of HANDWASHING SINKS necessary for their convenient use by EMPLOYEES in areas specified under § 5-204.11, and not fewer than the number of HANDWASHING SINKS required by</p>

<p>the number of HANDWASHING SINKS required by LAW shall be provided. Pf</p> <p>(B) If APPROVED and capable of removing the types of soils encountered in the FOOD operations involved, automatic handwashing facilities may be substituted for HANDWASHING SINKS in a FOOD ESTABLISHMENT that has at least 1 HANDWASHING SINK.</p> <p>(C) If APPROVED, when FOOD exposure is limited and HANDWASHING SINKS are not conveniently available, such as in some mobile or TEMPORARY FOOD ESTABLISHMENTS or at some VENDING MACHINE LOCATIONS, EMPLOYEES may use chemically treated towelettes for handwashing.</p>	<p>LAW shall be provided. Pf</p> <p>(B) If APPROVED and capable of removing the types of soils encountered in the FOOD operations involved, automatic handwashing facilities may be substituted for HANDWASHING SINKS in a FOOD ESTABLISHMENT that has at least 1 HANDWASHING SINK.</p>
--	---

13. Modified 8-301.11 by adding new “(E)” to include the provision that an inspection of a facility may be required before the issuance or renewal, of a permit. Requirement matches the 2000 version of the Regulations.

2016 Version	2019 Approved
<p>8-301.11 Prerequisite for Operation.</p> <p>(A) A PERSON may not operate a FOOD ESTABLISHMENT or SERVICING AREA without a valid PERMIT to operate issued by the REGULATORY AUTHORITY. Pf</p> <p>(B) Except as specified in ¶¶ (C) and (D) of this section, when more than a single FOOD ESTABLISHMENT is operated on the PREMISES, each one shall be separately permitted.</p> <p>(C) Bars operating in conjunction with a FOOD ESTABLISHMENT do not require a separate PERMIT.</p> <p>(D) A FOOD ESTABLISHMENT used as a SERVICING AREA does not require a separate PERMIT.</p>	<p>8-301.11 Prerequisite for Operation.</p> <p>(A) A PERSON may not operate a FOOD ESTABLISHMENT or SERVICING AREA without a valid PERMIT to operate issued by the REGULATORY AUTHORITY. Pf</p> <p>(B) Except as specified in ¶¶ (C) and (D) of this section, when more than a single FOOD ESTABLISHMENT is operated on the PREMISES, each one shall be separately permitted.</p> <p>(C) Bars operating in conjunction with a FOOD ESTABLISHMENT do not require a separate PERMIT.</p> <p>(D) A FOOD ESTABLISHMENT used as a SERVICING AREA does not require a separate PERMIT.</p> <p><u>(E) Prior to the issuance of a Permit or the renewal of a Permit, the Regulatory Authority shall make inspections of the Food Establishment or Food Processing Plant as it deems necessary.</u></p>

14. Addition of 8-404.11(C)(1)-(3). New to 2017 Food Code and adopted “as-is”.

2016 Version	2018 Proposed
N/A	<p>8-404.11 (C)(1)-(3)</p> <p>(C) Considering the nature of the potential hazard involved and the complexity of the corrective action needed, the REGULATORY AUTHORITY may agree to continuing operations in the event of an extended interruption of electrical or water service if:</p> <p>(1) A written emergency operating plan has been APPROVED;</p> <p>(2) Immediate corrective action is taken to eliminate, prevent, or control any FOOD safety risk and IMMINENT HEALTH HAZARD associated with the electrical or water service interruption; and</p> <p>(3) The REGULATORY AUTHORITY is informed upon implementation of the written emergency operating plan.</p>

15. Addition of 7.6.2.16 Catering Food Establishments that was inadvertently left out of the 2016 version. Requirements match the 2000 version of the Regulations.

2016 Version	2019 Approved
N/A	<p>7.6.2.16 CATERING FOOD ESTABLISHMENTS:</p> <p>A. In addition to complying with the requirements specified in 7.6.2.8 NMAC food establishments that cater shall comply with the requirements specified in the section.</p> <p>B. Catering food establishments shall:</p> <p>(1) operate from a permitted food establishment or servicing area,</p> <p>(2) be permitted and operated separately from other permitted food establishments or servicing areas,</p> <p>(3) upon request by the regulatory authority, provide a schedule of events to be catered, and</p> <p>(4) supply a handwashing sink as specified in Paragraph (4) of Subsection D of 7.6.2.10 NMAC, the catering activity includes preparation, delivery, and/or display, service, and restocking of food that is not packaged.</p>

16. Adoption of the most recent National Shellfish Sanitation Program Guide for Control of Molluscan Shellfish (NSSP).

2016 Version	2019 Approved
2013 NSSP	2017 NSSP