



# FOOD CODE

October 2023

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## AGENDA

- Review: Agencies for Preventing Foodborne Illness
  - FDA
  - Local Jurisdiction
- What is the Food Code?
  - Overview
  - Milestones
- 2022 Food Code - Summary of changes
  - 8 topics
- FAQs:
  - Impact to ServSafe Materials
- Resources

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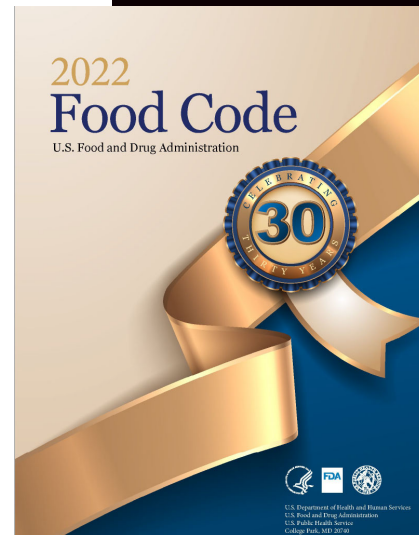
## AGENCIES RESPONSIBLE FOR PREVENTING FOODBORNE ILLNESS

### Food and Drug Administration (FDA):

- Inspects all food except meat, poultry, and eggs
- Regulates food transported across state lines
  - Provides technical support and training
- Issues the *Food Code*

### The FDA Food Code:

- Provides recommendations for food safety regulations
- Created for city, county, state, and tribal agencies
- Is recommendation not law



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## AGENCIES RESPONSIBLE FOR PREVENTING FOODBORNE ILLNESS - CONTINUED

### State and Local Regulatory Authorities:

- Write or adopt codes regulating retail and foodservice operations
- Codes may differ from FDA *Food Code*

### Food safety responsibilities include:

- Inspecting operations
- Enforcing regulations
- Investigating complaints and illnesses
- Issuing licenses/permits



#### TIPS:

Keep a copy of your local health code within the ENA Food Safety Manual

AND/OR

Bookmark a link to your local health code site on your desktop

✓ Check at least annually for any updates.

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**TRIVIA: WHAT YEAR WAS THE 1<sup>ST</sup>  
FOOD CODE ISSUED?**

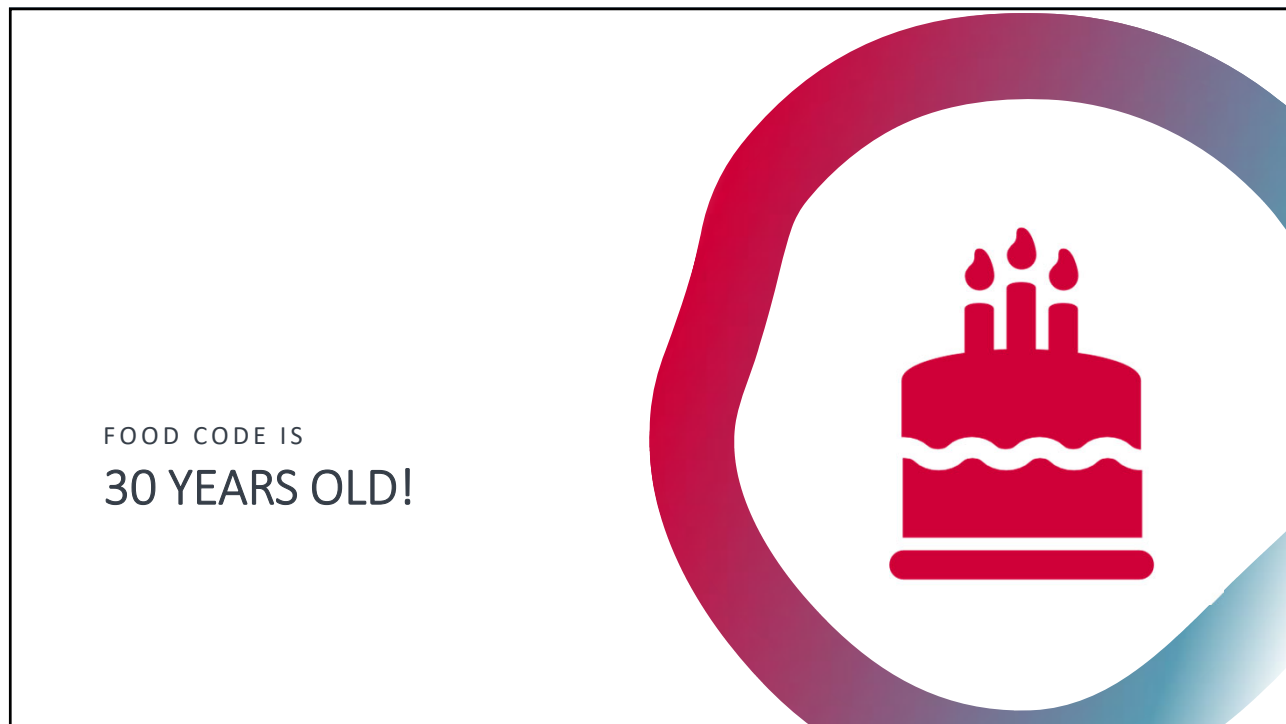
- A) 1975
- B) 1983
- C) 1993
- D) 2005

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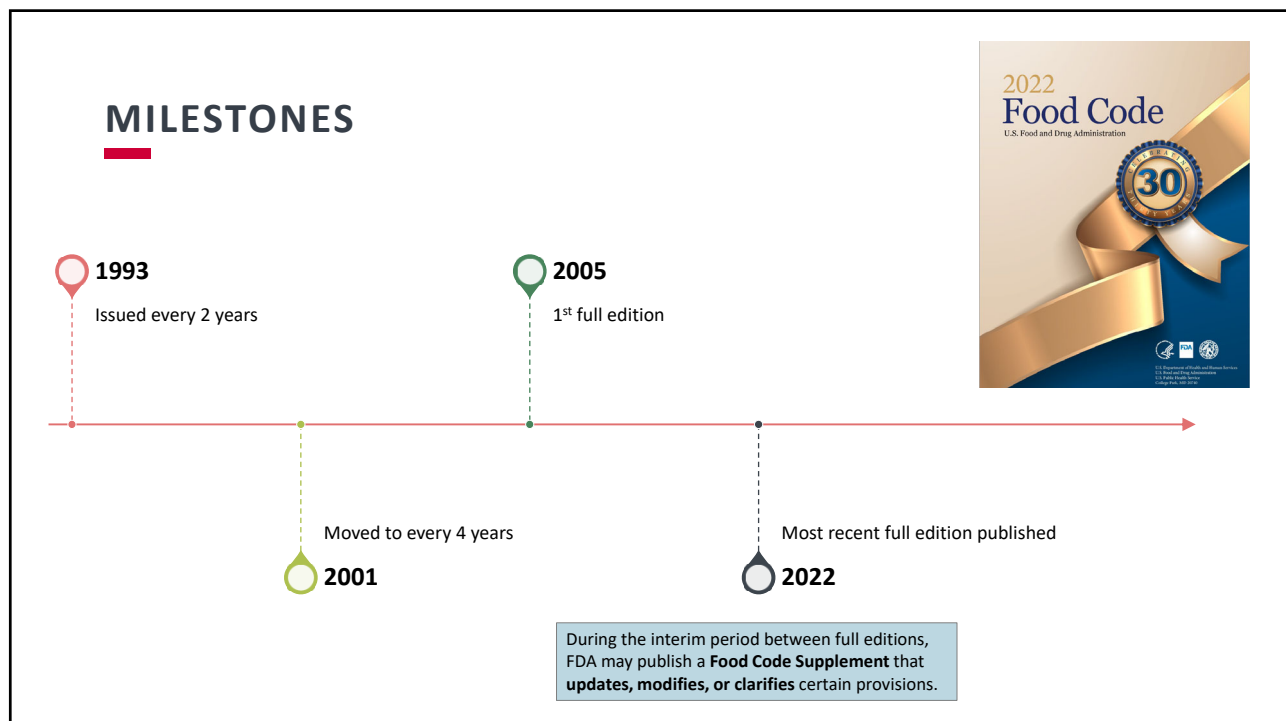
**WHAT YEAR WAS THE 1<sup>ST</sup>  
FOOD CODE ISSUED?**

- A) 1975
- B) 1983
- C) 1993 (Correct answer)
- D) 2005

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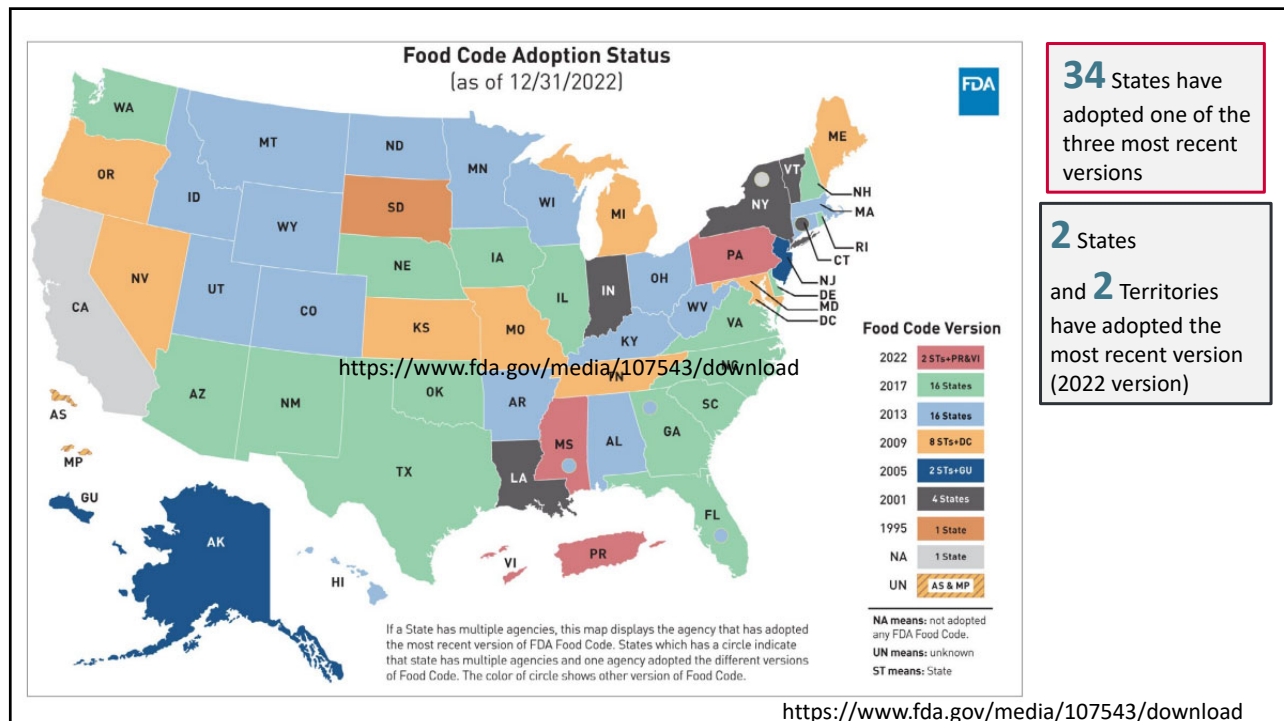
## KEY NUMBERS ABOUT ADOPTION STATUS

**34** States have adopted one of the three most recent versions  
= **62.47%** of the U.S. population)\*

**2** States and **2** Territories have adopted the most recent version (2022 version),  
representing **4.82%** of the U.S. population\*

\*Reporting period ending 12.31.22

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## Follow your local jurisdiction regulations

### ACTION ITEM:

- ✓ Check your local jurisdiction regulations
  - ☐ Did they adopt the 2022 Food Code?
  - ☐ Which Food Code are they operating under?
  - ☐ Have you printed it and/or have it bookmarked?
  - ☐ Do you check regularly for updates?
    - TIP: Set reminder in Outlook!
- ✓ How to check:
  - Who inspects you?
    - County or city (or state in some situations)?
    - Search examples:
      - [County] Food Safety regulations
      - Health Department regulations

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### WHAT IS THE FOOD CODE?

- The U. S. Food and Drug Administration (FDA) publishes the Food Code
  - assists food control jurisdictions at all levels of government by providing them with a scientifically sound technical and legal basis for regulating the retail and food service segment of the industry

#### FOLLOW LOCAL JURISDICTION

- Local, state, tribal, and federal regulators use the *FDA Food Code* as a model to develop or update their own food safety rules and to be consistent with national food regulatory policy.



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## SUMMARY OF CHANGES

8 key topics today

1. What is the change?
2. Impact for operations
3. Resources, as applicable

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## ADDED SESAME AS 9<sup>TH</sup> MAJOR FOOD ALLERGEN

1. **Change:** Revise the definition of the term “Major food allergen” to **add Sesame** as the 9th major food allergen, effective January 1, 2023.

Note: **Crustacean shellfish** is a new clarification (previously: shellfish).

2. **Impact for operations:** applicable to major food allergens, including menu systems, signage (including digital), labeling and manufacturing requirements, recipes

3. **Resources:** [Allergen & Gluten Aware Resources](#)

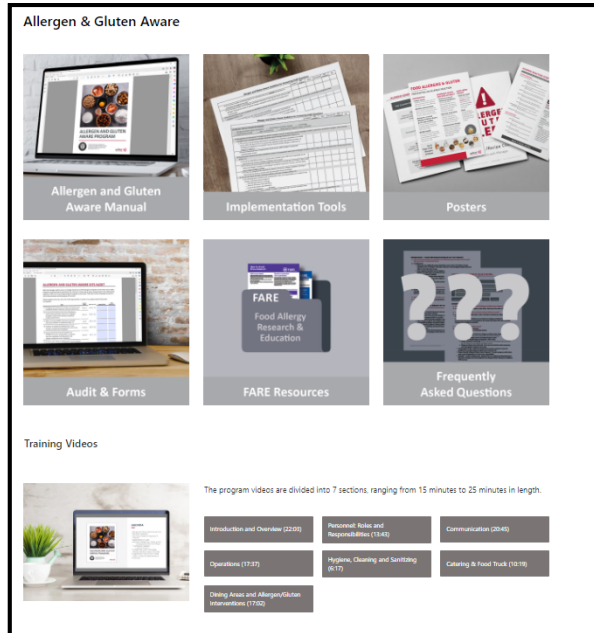
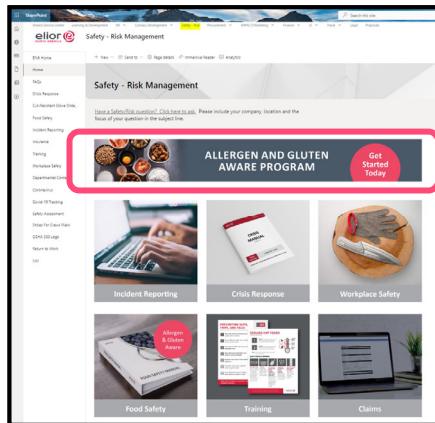


• Amended §1-201.10(B) in subparagraph (1)(a)

TOPIC 1

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## RESOURCES



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## ADDITIONAL DUTY REQUIREMENTS FOR THE PERSON IN CHARGE

1. **What is the change?** Additional duty requirement for the Person in Charge to ensure:
  - a) Food employees are properly maintaining the temperature of time/temperature control for safety foods (TCS) during thawing through daily oversight of the FOOD EMPLOYEE'S routine monitoring of food temperatures
  - b) Employees are properly trained in food safety, including **food allergy awareness**, as it relates to their assigned duties. Food allergy awareness includes:
    - i. describing foods identified as major food allergens, and
    - ii. the symptoms that a major food allergen could cause in a sensitive individual who has an allergic reaction.
2. **Impact for operations:**
  - a) Ensure when thawing food in refrigeration that equipment logs are maintained or thawing under water (log on the production sheet), microwave or part of cooking process (food temp logs)
  - b) Maintain awareness of 9 major food allergens and symptoms. Sesame is part of overall production training program (back and front of the house), increased awareness of sesame.
3. **Resources:**
  - a) Time and Temperature Control: 10 Take 5s available
  - b) Allergen and Gluten Aware: Take 5s and training videos available

- Amended ¶2-103.11, added new paragraph J and redesignated paragraphs (J) – (P) as new paragraphs (K) – (Q).  
 - Amended ¶ 2-103.11(N) (now ¶2-103.11(O) in the 2022 Food Code) to indicate what food allergy awareness includes

TOPIC 2

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## RESOURCES

- SharePoint > Safety-Risk Page
  - Logs
  - Take 5 Trainings
  - Allergen and Gluten Aware resources

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# WARNING: TONGUE TWISTERS AHEAD




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## MOLLUSCAN SHELLFISH

- NEW TERMS:

- “In-Shell Product” = non-living, processed shellstock with one or both shells present.

- REVISED DEFINITIONS:

- “Shellstock” to clarify that it is live molluscan shellfish in the shell.
  - “Shucked Shellfish” to clarify that both shells of this product are removed.
  - “**Molluscan shellfish**” = 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.*

- Molluscan Shellfish** includes:

- SHELLSTOCK, SHUCKED SHELLFISH and IN-SHELL PRODUCTS.

- Notes about containers:

- Molluscan Shellfish may NOT be removed from the container in which they are received other than immediately before sale or preparation for service.

- Molluscan Shellfish from one tagged or labeled container **shall not be COMMINGLED** with molluscan shellfish from another container.



1. What is the change?
2. Impact for operations

• Amended ¶ 3-203.12(B) and (C) to include an invoice as appropriate documentation.

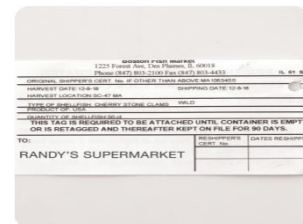
TOPIC 3

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## MOLLUSCAN SHELLFISH IDENTIFICATION

### Required documents:

- Molluscan shellfish must be received with **molluscan shellfish identification** (previously known as *shellstock identification tags*).
  - Tags indicate when and where they were harvested.
- Store shellfish in their original container.
  - **Do NOT** remove the molluscan shellfish identification until the last shellfish is used (tag must remain attached to the original container)
  - **Do** write the date the last shellfish was used on the molluscan shellfish identification (sold or served).
  - **Do** keep the molluscan shellfish identification on file for **90** days after the last shellfish was used, **maintain in chronological order**.



1. What is the change?
2. Impact for operations

TOPIC 3

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## NEW TERM: TOBACCO PRODUCTS

- 1. What is the change?** Amended personal cleanliness section to include “tobacco products”
- 2. Impact for operations:** Replaces term “smoking”, to include use of tobacco products that contain nicotine from any source
- 3. Resources** – Handwashing poster, Take 5s



• Amended ¶ 2-301.14(D)

TOPIC 4

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## RESOURCES

**KEY POINTS**  
**WHERE TO WASH?**  
Your supervisor should have sinks that are specifically for handwashing. Only wash your hands in a designated handwashing sink. DO NOT use handwashing sinks for other things. The sink must be stocked with:

- Hot and cold running water
- Single-use paper towels or hand dryer
- Soap
- Waste container
- Signage

**Personal Hygiene, Part 1: Handwashing**  
TAKE 5: A 5-MINUTE TRAINING  
PAGE 1 OF 2

Hands and arms can easily transfer pathogens to food so you must care for them in ways to keep food safe. Hand washing involves more than a quick rise under a faucet. The entire process should take at least thirty (30) seconds.

**HOW SHOULD YOU WASH YOUR HANDS?**

1. Wet your hands and exposed portions of arms with warm running water (at least 85°F).
2. Apply soap: apply enough to build up a good lather.
3. Vigorously scrub hands and arms with soap for at least 20 seconds. Be sure to pay attention to removing soil from underneath fingernails and between fingers AND create friction on the surfaces of hands and arms.
4. Thoroughly rinse under running water.
5. Dry hands and arms with a single-use paper towel or warm-air hand dryer. To avoid recontamination, turn water off with a paper towel. When in a restroom, use a paper towel to open the door.

**WHEN SHOULD YOU WASH YOUR HANDS?**  
Wash your hands **before you start work** and **before** doing any of the following activities:

- Before putting on gloves
- When changing from handling dirty dishes and utensils to clean dishes and utensils
- After, wash your hands **after**:
  - Using the restroom
  - Handling your hair, face, or body
  - Handling uncleaned, raw meat, poultry, or seafood
  - Touching anything on arms
  - Clearing tables and handling dirty dishes
  - Eating or drinking
  - Handling money
  - Chewing gum or **using any tobacco products**
  - Taking out garbage
  - Handling soiled equipment or utensils
  - Removing gloves and before putting new gloves on
  - Leaving and returning to the kitchen
  - Sneezing, coughing, or using a tissue
  - Smelling chemicals
  - After shaking hands or touching door handles
  - Handling service animals
  - Touching anything that may contaminate your hands (e.g. dirty equipment, work surfaces, and towels)

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**REPORTING ILLNESS**  
Inform your supervisor when you have any of the following symptoms:  
infection of eyes, sore throat, cold, nausea, vomiting, diarrhea, body or jaw infectious disease.  
(Managers should follow the infectious illness policy.)

**CUTS OR WOUNDS**  
Wear a single-use glove or a single-use finger cover over bandages on wrists, hands or fingers. Then place a single-use glove over the cover.

**Personal Hygiene, Part 3: Hygiene Practices**  
TAKE 5: A 5-MINUTE TRAINING

Food handlers can spread pathogens and contaminate food easily; therefore, you must demonstrate careful and consistent attention to your personal behavior by adhering to the hygiene practices below.

**EATING/DRINKING/USING TOBACCO PRODUCTS**

- Beverages are allowed in accordance with applicable health code, they must be in a covered up and kept apart from food production.
- Do not store personal items in the kitchen, service, or storage areas.
- Take breaks only in a designated area—away from production and service.

**HEALTH/HYGIENE**

- Wash hands frequently by following the handwashing policy.
- When handling food, refrain from touching face, mouth, nose, hair, exposed skin and clothing.
- When coughing or sneezing, cover and turn away from food and food contact areas. (Possibly) wash hands and exposed portions of arms.
- Food handlers with persistent sneezing, coughing, or a runny nose that causes discharge from the eyes, nose, and mouth may not work with exposed food, clean equipment, utensils, linens, or unwrapped single-service or single-use articles.
- Personal grooming (e.g. brushing hair, cleaning nails) is prohibited in the kitchen, service and storage areas.
- Wear clean, disposable gloves when handling ready-to-eat food without a utensil. To prevent cross contamination, no bare hand contact. If you don't have gloves, use deli tissue, spatula or tongs.

**HAIR RESTRAINTS**  
Always wear a clean hat or other hair covering when preparing food, when working in prep areas, or areas used to clean utensils and equipment. Food handlers with facial hair should also wear a beard and mustache restraint.

**QUICK QUIZ**  
Fill in the blanks:

1. To restrain a hot, wet hair, wear a \_\_\_\_\_ and mustache restraint.
2. For anyone with facial hair, wear a \_\_\_\_\_ when handling ready-to-eat food without a utensil.
3. Wear clean, disposable \_\_\_\_\_ when handling ready-to-eat food without a utensil.
4. You must eat, drink, chew gum or use tobacco products in \_\_\_\_\_ only.

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**HANDWASHING PROCESS**

**STEP 1** Wet hands with running water that is 85°F\* or above.

**STEP 2** Apply soap and lather backs of hands, between fingers and under fingernails.

**STEP 3** Vigorously scrub hands and exposed portions of arms for 20 seconds (sing Happy Birthday).

**STEP 4** Rinse thoroughly under running water.

**STEP 5** Dry hands and exposed portions of arms with a single-use towel.

**TO AVOID RECONTAMINATION, USE A PAPER TOWEL TO TURN OFF WATER AND OPEN DOORS**  
**NOTE** The whole process should last 30 seconds.

**WASH YOUR HANDS BEFORE:**

- Starting a shift
- Leaving a station
- Returning from a break
- Putting on gloves
- Serving food
- Changing tasks

**WASH YOUR HANDS AFTER:**

- Taking out the trash
- Sneezing, coughing or using a tissue
- Handling chemicals
- Handling money
- Touching the face or body
- Eating
- **Use of tobacco products**
- Using the restroom

\*Check with your local jurisdiction or regulatory authority.

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## NEW: DOGS ON PATIOS

Live animals may NOT be allowed on the premises of a food establishment but...



1. **What is the change?** **IF approved** by the local regulatory authority, food establishments may allow pet dogs in outdoor dining areas.
  2. **Impact for operations:** **IF** your state or local government allows pups on patios, be sure to follow its restrictions and requirements.
  3. **Resources:** \*\*\*Check in with your local health regulatory agency.
- ✓ Some jurisdictions require official notification that a restaurant intends to allow dogs in its outdoor dining area; others require restaurants to apply for a permit.

TOPIC 5

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## NEW: HANDSINK WATER TEMPERATURE GUIDELINES

1. **What is the change?**  
Wash hands with running water that is **85°F\* or above**  
✓ \*Check with your local jurisdiction or regulatory authority
2. **Impact for operations:**  
Follow your local regulatory authority
3. **Resources:** Poster and Take 5

### HANDWASHING PROCESS



**STEP 1** Wet hands with running water that is 85°F\* or above.



**STEP 2** Apply soap and lather both sides of hands, between fingers and under fingernails.



**STEP 3** Vigorously scrub hands and exposed portions of arms for 20 seconds (sing Happy Birthday).



**STEP 4** Rinse thoroughly under running water.



**STEP 5** Dry hands and exposed portions of arms with a single use towel.



**NOTE** Use whole process, should last 30 seconds.

**WASH YOUR HANDS BEFORE:**

- Starting a shift
- Leaving a station
- Returning from a break
- Putting on gloves
- Serving food
- Changing tasks

**WASH YOUR HANDS AFTER:**

- Taking out the trash
- Smoking, coughing or using a tissue
- Handling chemicals
- Handling money
- Touching the face or body
- Eating
- Using the restroom

\*Check with your local jurisdiction or regulatory authority.

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TOPIC 6

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## NEW: BULK FOOD LABELING

1. **What is the change?** Label information: Addresses major food allergen labeling in bulk food available for consumer self dispensing. \*Reminder: **Sesame was added** as the 9th major food allergen
2. **Impact for operations:** Follow labeling requirements
3. **Resources:** [ENA Allergen & Gluten Aware Resources](#)



TOPIC 7

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## FOOD PROPERLY LABELED – BULK | SELF-DISPENSING

The manufacturer's or processor's label that was provided with the FOOD;

OR

A card, sign, or other method of notification that includes:

Common name of food

If made from 2 or more ingredients, a list of ingredients and sub-ingredients (in descending order of predominance by weight)

The name & place of business of the manufacturer, packer, or distributor

The name of the food source for each MAJOR FOOD ALLERGEN contained in the food.

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## NEW: PROHIBITING STORAGE IN CONTAINERS PREVIOUSLY USED FOR CHEMICALS

1. **What is the change?** Storage of equipment, utensils, linens, single- service, or single-use articles in containers previously used for storing toxic chemicals is prohibited (applicable to ice and food).
2. **Impact for operations:** Unit Manager/PIC/all team members to be aware and monitor during walk-throughs.
  - a) Precaution: chemical products from store - are they certified to be used in food service establishments?
3. **Resources:** EcoSure Help Text (Approved chemicals, proper use, labeling and storage – 8.2.2) > Critical, Take 5 on Chemical Storage and Labeling

TOPIC 8

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## SERVSAFE FOOD SAFETY CERTIFICATIONS

Q: What should I know about when to change books, exam, what percentage of the questions will change, etc.?

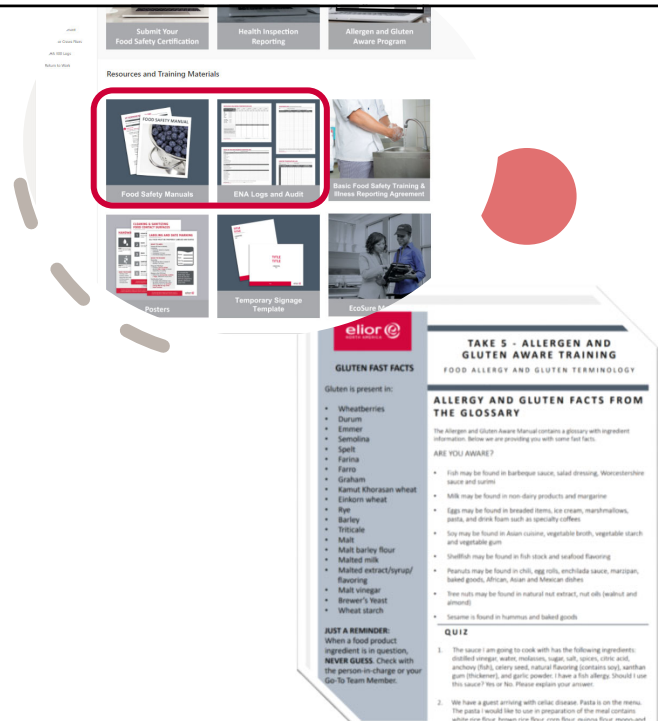
- Updates will include ServSafe courses, books, and exams which will all be released at the same time.
  - Availability likely to be in Q4 of 2023
- Candidates sitting for their exam before Q4 should not need any supplementary materials (at this time) to the ServSafe Manager Book 7th edition to prepare for the exam.
- Stay tuned for more information!

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## RESOURCES

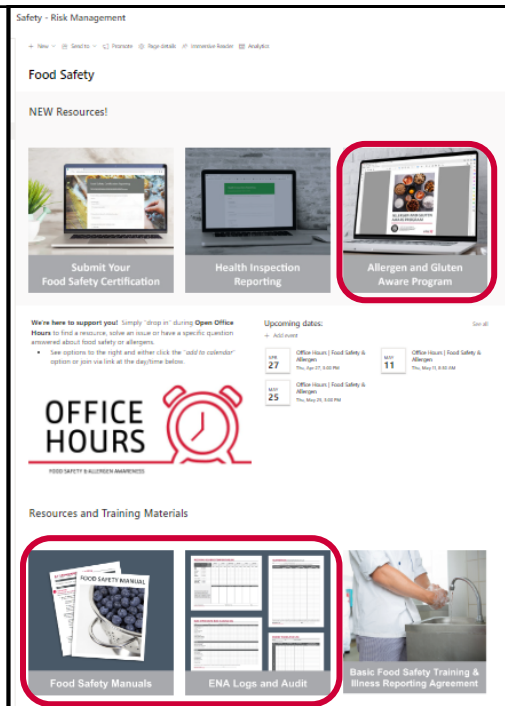
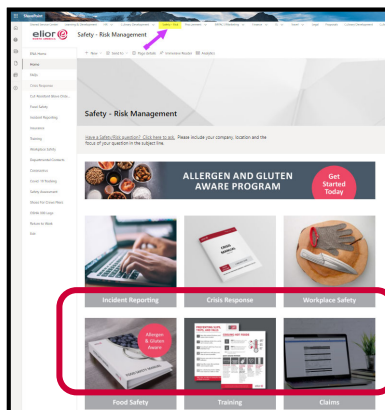
- **Review Local Jurisdiction Requirements**
- 2022 Food Code – download full document or summary
- **SharePoint:**
  - Food Safety Manual
  - Take 5 Trainings
  - SAFE Trainings
  - Food Safety Lead(s) in your segment
  - Email: [foodsafety@elior-na.com](mailto:foodsafety@elior-na.com)
  - NEW!** Office Hours



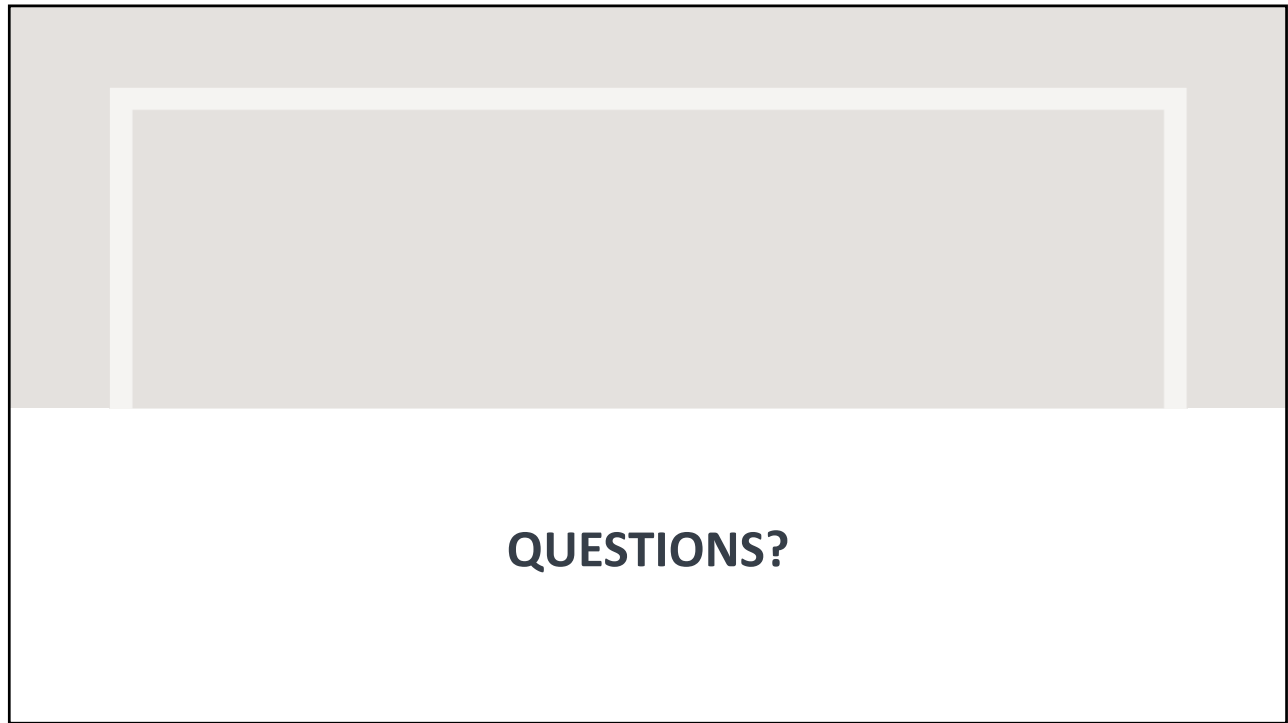
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## RESOURCES

- **SharePoint > Safety-Risk**
  - Food Safety
  - Training



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## Objectives:

- Describe the new data element in Section K
- Discuss the revised coding instructions and guidance changes for this new data element K0520.
- Explain minor changes to K0710.
- Introduction and review of OSA Assessments

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## Detailed Overview

- Guidance and examples for the items in Section K now includes some minor wording changes.
- **K0510. Nutritional Approaches** has been replaced with a newer version **K0520. Nutritional Approaches**.
  - References to K0510 have been replaced by K0520.
- **K0710. Percent Intake by Artificial Route** includes minor changes to the steps for assessment and to instructions due to the new columns included in 0520.

## K0520

- Nutritional Approaches

## K0520: Implications

- Data element **K0520. Nutritional Approaches** has been revised from the original K0510.
- The content for **K0520** and the **Item Rationale** is unchanged.
- Changes include:
  - New columns for assessment **on admission** and **at discharge**.
  - New and updated examples.
- For additional information please refer to the MDS 3.0 RAI Manual v1.18.11.

## K0520 Nutritional Approaches

Columns 1 and 4:  
3-day look back period  
Columns 2 and 3:  
7-day

K0520. Nutritional Approaches				
Check all of the following nutritional approaches that apply				
	1. On Admission	2. While Not a Resident	3. While a Resident	4. At Discharge
1. <b>On Admission</b> Assessment period is days 1 through 3 of the SNF PPS Stay starting with A2400B				
2. <b>While Not a Resident</b> Performed <i>while NOT a resident</i> of this facility and within the <i>last 7 days</i> . Only check column 2 if resident entered (admission or reentry) IN THE LAST 7 DAYS. If resident last entered 7 or more days ago, leave column 2 blank.				
3. <b>While a Resident</b> Performed <i>while a resident</i> of this facility and within the <i>last 7 days</i>				
4. <b>At Discharge</b> Assessment period is the last 3 days of the SNF PPS Stay ending on A2400C				
<b>A. Parenteral/IV feeding</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>B. Feeding tube</b> - nasogastric or abdominal (PEG)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>C. Mechanically altered diet</b> - require change in texture of food or liquids (e.g., pureed food, thickened liquids)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>D. Therapeutic diet</b> (e.g., low salt, diabetic, low cholesterol)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Z. None of the above</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Definitions: Therapeutic Diet REVISED

- A therapeutic diet is a diet intervention **prescribed** by a **physician or other authorized non-physician** practitioner **that provides food or nutrients via oral, enteral, and or parenteral routes** as part of treatment of disease or clinical condition to **modify**, eliminate, decrease or increase **identified micro-and macro-nutrients** in the diet. 1 in 3 hospitalized patients are malnourished.
- Note that other definitions in the RAI Manual Section did not change.

(Academy of Nutrition and Dietetics, 2020)

## K0510. Nutritional Approaches – OLD ITEM

K0510. Nutritional Approaches		
Check all of the following nutritional approaches that were performed during the last 7 days		
	1. While NOT a Resident	2. While a Resident
<b>1. While NOT a Resident</b> Performed <b>while NOT a resident</b> of this facility and within the <b>last 7 days</b> . Only check column 1 if resident entered (admission or reentry) IN THE LAST 7 DAYS. If resident last entered 7 or more days ago, leave column 1 blank		
<b>2. While a Resident</b> Performed <b>while a resident</b> of this facility and within the <b>last 7 days</b>		
<b>A. Parenteral/IV feeding</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>B. Feeding tube</b> - nasogastric or abdominal (PEG)	<input type="checkbox"/>	<input type="checkbox"/>
<b>C. Mechanically altered diet</b> - require change in texture of food or liquids (e.g., pureed food, thickened liquids)	<input type="checkbox"/>	<input type="checkbox"/>
<b>D. Therapeutic diet</b> (e.g., low salt, diabetic, low cholesterol)	<input type="checkbox"/>	<input type="checkbox"/>
<b>Z. None of the above</b>	<input type="checkbox"/>	<input type="checkbox"/>

↓ Check all that apply ↓

OLD Item K0510 had just two columns: While NOT a Resident and While a Resident

## K0520. Nutritional Approaches – Assessment Periods NEW

**K0520. Nutritional Approaches**  
Check all of the following nutritional approaches that apply

- 1. On Admission**  
Assessment period is days 1 through 3 of the SNF PPS Stay starting with A2400B
- 2. While Not a Resident**  
Performed *while NOT a resident* of this facility and within the *last 7 days*. Only check column 2 if resident entered (admission or reentry) IN THE LAST 7 DAYS. If resident last entered 7 or more days ago, leave column blank.
- 3. While a Resident**  
Performed *while a resident* of this facility and within the *last 7 days*
- 4. At Discharge**  
Assessment period is the last 3 days of the SNF PPS Stay ending on A2400C

	1. On Admission	2. While Not a Resident ↓ Check all that apply ↓	3. While a Resident	4. At Discharge
A. Parenteral/IV feeding	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Feeding tube (e.g., nasogastric or abdominal (PEG))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Mechanically altered diet - require change in texture of food or liquids (e.g., pureed food, thickened liquids)	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
D. Therapeutic diet (e.g., low salt, diabetic, low cholesterol)	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Z. None of the above	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**On Admission for PPS stays ONLY** →

**At Discharge for PPS stays ONLY** ↓

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hospitality

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## K0520

## Coding Guidance

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## K0520: Steps for Assessment

1. Review the medical record to determine if any of the listed nutritional approaches were performed during the 7-day look-back period.
2. If none apply, check K0520Z. None of the above.

## K0520: General Coding Instructions

Check all nutritional approaches that apply.

- K0520A. Parenteral/IV feeding.
- K0520B. Feeding tube – nasogastric or abdominal (PEG).
- K0520C. Mechanically altered diet – require change in texture of food or liquids (e.g., pureed food, thickened liquids).
- K0520D. Therapeutic diet (e.g., low salt, diabetic, low cholesterol).
- K0520Z. None if the above (if none apply).

## K0520: Coding Instructions – Column 1

### Column 1, On Admission

- Check all nutritional approaches performed during the first 3 days of the Skilled Nursing Facility (SNF) PPS Stay.

## K0520: Coding Instructions – Column 2

- **Column 2, While Not a Resident**
  - Check all nutritional approaches performed **prior** to admission/entry or reentry to the facility and within the 7-day look-back period
  - Leave Column 2 blank if the resident was admitted or reentered the facility more than 7 days ago.

## K0520: Coding Instructions – Column 3

### Column 3, While a Resident

- Check all nutritional approaches performed **after** admission/entry or reentry to the facility and within the 7-day look-back period.



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## K0520: Coding Instructions – Column 4

### Column 4, At Discharge.

- Check all nutritional approaches performed within the last 3 days of the SNF PPS Stay.



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## K0520A: Parenteral/IV Feeding – Coding Tips

- K0520A includes any and all nutrition and hydration received by the nursing home resident **during the observation period** either at the nursing home or at the hospital as an outpatient or an inpatient, provided they were administered for nutrition or hydration.
- Supporting documentation should be noted in the resident's medical record as defined by the facility policy and/or according to State **and Federal regulations**.

## K0520B: Feeding Tube – Coding Tips

- Only feeding tubes that are used to deliver nutritive substances and/or hydration during the assessment period are coded in K0520B.

## K0520C: Mechanically Altered Diet – Coding Tip NEW

- Assessors should not capture a trial of a mechanically altered diet (e.g., pureed food thickened liquids) during the observation in K0520C. Mechanically altered diet.

## K0710

Percent Intake by Artificial Route

## K0710. Percent Intake by Artificial Route

Minor change to completion instructions due to the new columns included in K0520.

- Complete K0710 *only* if Column 2 (While Not a Resident) and/or Column 3 (While a Resident) are checked for K0520A. Parenteral/IV feeding and/or K0520B. Feeding tube.

Resident	Identifier	Date
<b>Section K - Swallowing/Nutritional Status</b>		
K0710. Percent Intake by Artificial Route - Complete K0710 only if Column 2 and/or Column 3 are checked for K0520A and/or K0520B		
2. While a Resident		
Performed while a resident of this facility and within the last 7 days		
3. During Entire 7 Days		
Performed during the entire last 7 days		
Enter Codes		
A. Proportion of total calories the resident received through parenteral or tube feeding		
1. 25% or less		
2. 26-50%		
3. 51% or more		
B. Average fluid intake per day by IV or tube feeding		
1. 500 cc/day or less		
2. 501 cc/day or more		

## K0710A: Steps for Assessment - REVISED

- Review intake records **within the last 7 days** to determine actual intake through parenteral or tube feeding routes.
- Calculate proportion of total calories received through these routes.
  - If the resident took no food or fluids by mouth or took just sips of fluid, stop here and **code 3, 51% or more**.
  - If the resident had more substantial oral intake than **sips of fluid** consult the dietitian.

## Optional State Assessment - OSA

**Intent:** The Optional State Assessment (OSA) item set may be required by a State Medicaid Agency to calculate the Resource Utilization Group (RUG)-III or RUG-IV case mix group Health Insurance Prospective Payment System (HIPPS) code for state payment purposes.

Several items that have been removed from all Federally required item sets remain on the OSA for the purpose of calculating RUG-III/RUG-IV HIPPS codes, those include:

- ✓ A0300 ✓ D0300 ✓ K0510 ✓ O0450 ✓ O0700
- ✓ D0200 ✓ G0110 ✓ O0100 ✓ O0600 ✓ X0570

## OSA Assessment

- OSA – Effective 10/1/23
- Not a federally required assessment
- OSA assessments are at the discretion of each state agency for payment purposes.
- OSA assessments are stand alone assessments and can not be combined with any other assessment
- Increase in the number of assessments completed – *at least one additional assessment for each Medicaid resident per quarter*

## Summary

A new data element, K0520, has replaced the K0510 item in Section K.

- New columns for the item capture data **on admission** and again **at discharge**.
- Updated coding instructions to capture data for the **four new and revised assessment timeframes**

Slight revisions to steps for assessment for **K0710. Percent Intake by Artificial Route**.

OSA assessments may required to calculate RUG case mix



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## Resources:

- “Minimum Data Set (MDS) 3.0 Resident Assessment Instrument (RAI) Manual.” *CMS.Gov*, [www.cms.gov/Medicare/Quality-Initiatives-Patient-Assessment-Instruments/NursingHomeQualityInits/MDS30RAIManual](https://www.cms.gov/Medicare/Quality-Initiatives-Patient-Assessment-Instruments/NursingHomeQualityInits/MDS30RAIManual). Accessed 3 Aug. 2023.
- “SNF Virtual Training Program - Part 1 Section K: Swallowing/ Nutritional Status .” *YouTube*, YouTube, 29 June 2023, <https://www.youtube.com/watch?v=4Xzxm-uLFmk&list=PLaV7m2-zFKphoXW6cc3NwUfxra0A1LYDi&index=11>. Accessed 3 Aug. 2023.
- “NFRP - MDS Resources The New OSA and CMS Guidance .” *NFRP*, [nfrp.panfsubmit.com/](https://nfrp.panfsubmit.com/). Accessed 3 Aug. 2023.
- Nutrition Care Manual, [www.nutritioncaremanual.org/topic.cfm?ncm\\_category\\_id=31&lv1=255700&lv2=255722&lv3=272646&ncm\\_toc\\_id=272646&ncm\\_heading=Older+Adult+Nutrition](https://www.nutritioncaremanual.org/topic.cfm?ncm_category_id=31&lv1=255700&lv2=255722&lv3=272646&ncm_toc_id=272646&ncm_heading=Older+Adult+Nutrition). Accessed 3 Aug. 2023.



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# Questions

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# 2022 FOOD CODE CHANGES OVERVIEW

The following is a summary of the changes made to the [2022 US FDA Food Code](#)

CHAPTER 1 PURPOSE AND DEFINITIONS	CODE REFERENCE	COMMENTS
<b>Understanding the new definitions and terms could impact consumer advisory statements, allergen training, product handling, pesticide use, cook chill-specialized process plans and employee practices. Update standard operating procedures, training, etc. as needed.</b>		
Shellstock is a live molluscan in the shell. In-shell product is nonliving, processed shellfish with one or both shells present. Shucked shellfish is such that both shells of this product are removed. Molluscan shellfish is inclusive of shellstock, in-shell product, and shucked shellfish.	1-201.10	These definitions are used in 3-202.17, 3-202.18, 3-203.11, 3-203.12 and 3-501.17.  This may impact the way these products are labeled or described.
Intact meat: Cubing, pounding, and beef products vacuum tumbled with solutions are now included in the definition of products that are not considered intact meat. These products are <u>non-intact</u> .	1-201.10	This definition is used in 3-201.11 (E) Compliance with Food Law and in 3-401.11 Raw Animal Foods.  This change may impact your SOP, training, and final cook temperatures for cooking certain types of meat.
Sesame added as the ninth major food allergen.	1-201.10	This new term is used in 2-103.11(O) and 3-602.11  This change will impact SOPs, training and labeling to include sesame as a declared allergen.
Revised the definition of the term “poisonous or toxic material” to include a new fifth category “Restricted Use Pesticide” (RUP).	1-201.10	This new term is used in 2-102.11, 7-202.12 and 7-206.11  Identify restricted use pesticides and ensure proper handling in your establishment. Restricted use pesticide is product applied only by a certified applicator or a person under the direct supervision of a certified applicator.
Term “ready to eat” (RTE) replaces “fruit and vegetables” with “plant foods” and revised to indicate what RTE food does not include in one section.	1-201.10	This new term is used in 3-401.13 and under the definition of RTE.  A list of what is not included in “RTE” is in FDA Food Code 2022 Chapter 1. Purpose and Definitions Chapter 1-16 (A)
Phrase “which have the air expelled” deleted from the definition of the term “Reduced Oxygen Packaging” (ROP) specific to cook chill packaging.	1-201.10	ROP includes cook chill packaging in which cooked food is hot-filled into impermeable bags that are then sealed or crimped closed. The bagged food is rapidly chilled and refrigerated at temperatures that inhibit the growth of psychotropic pathogens.  This change clarifies that mechanical air removal is not needed for a process to be considered ROP.  Facilities should review procedures to determine if processes do or do not meet this new ROP definition.

CHAPTER 1 PURPOSE AND DEFINITIONS	CODE REFERENCE	COMMENTS
<p>New term “tobacco product” was added to have the meaning as stated in the Federal Food, Drug and Cosmetic Act §201(rr) (21U.S.C. 321(rr)).</p> <p>The FDC Act states: the term “tobacco product” means any product made or derived from tobacco, or containing nicotine from any source, that is intended for human consumption, including any component, part, or accessory of, a tobacco product.</p>	1-201.10	<p>This new term is used to replace the word “tobacco” wherever it is used in the Food Code.</p> <p>FDA has determined that electronic nicotine delivery systems (ENDS) products, such as vapes, are tobacco products.</p> <p>This may impact certain restrictions on tobacco use, when to wash hands, etc.</p>

CHAPTER 2 MANAGEMENT AND PERSONNEL	CODE REFERENCE	COMMENTS
<p>A new exception section (B) was added under SUPERVISION/RESPONSIBILITY. Referring to the permit holder; the permit holder shall be the person in charge (PIC) or designate a PIC to be present at the food establishment during all hours of operation.</p> <p>The new addition (B) states: B) This section does not apply to certain types of food establishments deemed by the regulatory authority to pose minimal risk of causing, or contributing to, foodborne illness based on the nature of the operation and extent of the food preparation. Pf</p>	<p>2-101.11</p> <p>NOTE: The FDA summary says that a new section (C) has been added. This appears to be an error. The new addition is section (B).</p>	<p>Regulators have the authority to exclude certain types of food establishments from PIC requirements.</p> <p>An example may be to not require a certified PIC for establishments only selling packaged food. If you feel your establishment falls under this exception, reach out to your regulatory authority.</p>
<p>Section (J) was added under DUTIES OF PERSON IN CHARGE.</p> <p>Food employees are properly maintaining the temperature of time/temperature control for safety (TCS) foods during thawing through daily oversight of the food employee’s routine monitoring of food temperatures.</p>	2-103.11 (J)	<p>PIC charge duties have expanded to include monitoring the thawing process. Update PIC SOPs and training as needed.</p> <p>Identify employees who may require additional training to perform these duties.</p>
<p>Section (O) amended to indicate what food allergy awareness includes.</p> <p>Food allergy awareness includes describing foods identified as major food allergens and the symptoms that a major food allergen could cause in a sensitive individual who has an allergic reaction.</p>	2-103.11 (O)	<p>Allergen awareness employee training requirements/ standards have been defined. Update allergen SOPs and training as needed.</p>

CHAPTER 3 FOOD	CODE REFERENCE	COMMENTS
<p>Amended to remove “labeled by” and replaced with “received from a food processing plant” to identify the type of beef and the source.</p> <p>Source of whole-muscle, intact beef is amended to clarify the methods for identifying the source and to identify intact beef steaks that are intended for consumption in an undercooked form without a consumer advisory.</p>	<p>3-201.11(E)(1)</p> <p>3-201.11(E)(3)(a)</p>	<p>Clarifies that labeling of beef as intact or non-intact is not required (consistent with USDA-FSIS regulations).</p> <p>Amendment is to ensure non-intact beef is not mistaken for, or used in the same manner as, intact meat.</p> <p>FDA has also developed an intact steak decision-tree to help food establishment operators determine whether a steak is intact or non-intact.</p> <p><a href="http://www.fda.gov/media/163808/download">www.fda.gov/media/163808/download</a></p>



CHAPTER 3 FOOD	CODE REFERENCE	COMMENTS
<p>Amended to include invoice as proper documentation for molluscan shellfish.</p> <p>Molluscan shellfish tags or labels shall remain attached to the container in which shellstock are received until the container is empty and (B) the date when the last molluscan shellfish from the container is sold or served shall be recorded on the tag, label or invoice. (C) The identity of the source of molluscan shellfish that are sold or served shall be maintained by retaining product tags, labels or invoices for 90 calendar days from the date that is recorded on the tag, label or invoice as specified.</p>	3-203.12 (B) (C)	<p>Invoices may now be used and held for 90 days as documentation for molluscan shellfish source and last sold/served.</p> <p>Update documentation SOPs and training if this applies to your processes.</p>
<p>Added new subpart on food donation.</p> <p>Added “food donation” as a new title, to indicate when food may be offered for donation.</p>	<p>3-204</p> <p>3-204.10</p>	<p>The term “food donation” has been added to the Food Code.</p> <p>Also applies to 8-101.10</p> <p>Review all food donation processes and ensure SOPs and training are in line with guidelines for storage, production and food handling.</p>
<p>Amended to add an additional exception when raw animal food does not need separation from RTE food.</p> <p>Food shall be protected from cross-contamination during storage, preparation, holding and display, except under specific procedures. These specific procedure exceptions include using separate equipment for each food type, arranging each type of food in equipment so cross-contamination of one type is prevented, preparing each type of food at different times in different areas, or when combined as ingredients.</p>	3-302.11(A) (1)	<p>Raw and RTE food may be combined as ingredients if intended to be consumed together. Example: sushi rolls.</p> <p>Revise SOPs and training as needed.</p>
<p>Amended to include reference for the use of produce wash testing devices.</p> <p>Fruits and vegetables may be washed by using chemicals as specified, and a test kit or other device that accurately measures the active ingredient concentration of the fruit and vegetable wash solution may be provided.</p>	3-302.15 (B)	<p>This amendment does not state that test kits or measuring devices shall be provided, but rather says they MAY be provided.</p> <p>However, it is commonly required by regulators that when using an EPA registered product that includes a “use concentration” on the label, the user should be able to test and verify they are following the label instructions.</p>
<p>Amended to revise risk designation from core to Priority Foundation (Pf).</p> <p>Food may not be stored in (B) toilet rooms.</p>	3-305.12 (B)	<p>It is now a Priority Foundation violation to store food in a toilet room. Guidance does not change; SOPs and training should include proper storage of food.</p> <p>This could impact scoring changes on inspections and assessments.</p>
<p>Deleted the names of specific types of non-intact meat and just use the term ‘non-intact’ as it is now defined.</p>	<p>3-401.11(A)(2)</p> <p>3-401.11(C)(2)</p>	<p>By deletion, it is clarified that intact beef does not have to be labeled as intact (aligns with FSIS which does not require this labeling). Amendment states: “the steak is prepared so that it remains intact”.</p> <p>Retailers should be aware of whether beef is intact or non-intact, but labeling for this is not required.</p>

CHAPTER 3 FOOD	CODE REFERENCE	COMMENTS
<p>Amended to add new section addressing manufactured food cooking instructions.</p> <p>Manufacturer Cooking Instructions:</p> <p>(A) Commercially packaged food that bears a manufacturer's cooking instructions shall be cooked according to those instructions before use in RTE foods or offered in unpackaged form for human consumption, unless the manufacturer's instructions specify that the food may be consumed without cooking. (B) Food for which the manufacturer has provided information that it has not been processed to control pathogens, when used in RTE foods or offered for human consumption, shall be cooked according to a time and temperature appropriate for the food.</p>	3-401.15	<p>Commercially packaged food that bears a manufacturer's cooking instructions, such as frozen peas, corn or other vegetables, shall be cooked according to those instructions before use in RTE foods or offered in unpackaged form for human consumption, unless the manufacturer's instructions specify that the food may be consumed without cooking.</p> <p>Be aware of manufacturer cooking instructions. SOPs and training should be revised as needed. This may impact the use of certain items, such as frozen peas, served as RTE food on salad bars or used in deli salads.</p>
<p>Amended to redesignate from a core item to a Priority foundation (Pf) item.</p> <p>Except as specified, TCS food shall be thawed: (A) under refrigeration that maintains the food temperature at 5°C (41°F) or less Pf; or (B) completely submerged under running water: (1) at a water temperature of 21°C (70°F) or below Pf, (2) with sufficient water velocity to agitate and float off loose particles in an overflow Pf, and (3) for a period of time that does not allow thawed portions of RTE food to rise above 5°C (41°F) Pf, or (4) for a period of time that does not allow thawed portions of a raw animal food requiring cooking as specified or (B) to be above 5°C (41°F), for more than 4 hours including: (a) the time the food is exposed to the running water and the time needed for preparation for cooking Pf, or (b) the time it takes under refrigeration to lower the FOOD temperature to 5°C (41°F) Pf; (C) as part of a cooking process if the food that is frozen is: (1) cooked as specified Pf, or (2) thawed in a microwave oven and immediately transferred to conventional cooking equipment with no interruption in the process Pf.</p>	3-501.13 (A-C)	<p>Improper thawing processes are now considered a Priority foundation violation. Guidance does not change; SOPs and training should include proper thawing processes.</p> <p>This could impact scoring changes on inspections and assessments.</p>

CHAPTER 3 FOOD	CODE REFERENCE	COMMENTS
<p>Added new subparagraph to address using time as a public health control for up to 4 hours for RTE produce or hermetically sealed food that becomes a TCS food only after it is cut, chopped or opened.</p> <p>If time without temperature control is used as the public health control, up to a maximum of 4 hours, (2) the food may have an initial temperature of 21°C (70°F) or less if; (c) it is a RTE fruit or vegetable that upon cutting is rendered a TCS food, or (d) it is a RTE, hermetically sealed food that upon opening is rendered a TCS food, and (e) the food temperature does not exceed 21°C (70°F) within a maximum time period of 4 hours from the time it was rendered a TCS food; and (f) the food is marked or otherwise identified to indicate the time that is 4 hours past the point in time when the food is rendered a TCS food.</p>	3-501.19 (B)(2)	<p>Foods that are not considered TCS until cut or opened (such as tomatoes, sealed products, canned tuna), may be held using time as a public health control up to 4 hours starting with an internal temperature of 21°C (70°F) or less.</p> <p>This procedure only permits holding these types of foods using time as a public health control for 4 hours (not 6 hours).</p> <p>Update SOPs and training to reflect using time as a public health control for these specific foods.</p> <p>All other types of TCS foods using time as a public health control for up to 4 hours must have an initial temperature of 5°C (41°F) or less when removed from cold holding temperature control, or 57°C (135°F) or greater when removed from hot holding temperature control; Pf</p>
<p>Adds “allergen labeling” to the list of label information on bulk food available for consumer self-dispensing.</p> <p>(C) Bulk FOOD that is available for CONSUMER self-dispensing shall be prominently labeled with the following information in plain view of the CONSUMER: (1) the manufacturer’s or processor’s label that was provided with the FOOD; or (2) a card, sign or other method of notification, that includes the information specified under subparagraphs (B)(1), (2), (5) and (6) of this section.</p> <p>B (5) The name of the food source for each major food allergen contained in the food unless the food source is already part of the common or usual name of the respective ingredient; Pf</p>	3-602.11	<p>Labels on bulk food for consumer self-dispensing may need to be modified to include major allergens if present in the food.</p> <p>There is an exemption to this labeling:</p> <p>(D) Bulk, unpackaged foods such as bakery products and unpackaged foods that are portioned to consumer specification need not be labeled if: (1) a health, nutrient content, or other claim is not made; (2) there are no state or local laws requiring labeling; and (3) the food is manufactured or prepared on the premises of the food establishment, at another food establishment, or a food processing plant that is owned by the same person and is regulated by the food agency that has jurisdiction.</p>

CHAPTER 4 EQUIPMENT, UTENSILS AND LINENS	CODE REFERENCE	COMMENTS
Amended to clarify that equipment that has been certified for conformance to an appropriate American National Standard is deemed to comply with the equipment sanitation provisions contained in Parts 4-1 and 4-2.	4-205.10	Food equipment should be certified based on a standard that is designated as American National Standards.

CHAPTER 4 EQUIPMENT, UTENSILS AND LINENS	CODE REFERENCE	COMMENTS
Amended to add the risk designation of Priority foundation (Pf) item that was inadvertently left off in the 2017 Food Code.  Cleaning agents that are used to clean equipment and utensils shall be provided and available for use during all hours of operation. Pf (B) Except for those that are generated on-site at the time of use, chemical sanitizers that are used to sanitize equipment and utensils, shall be provided and available for use during all hours of operation. Pf	4-303.11	The lack of cleaning agents and sanitizers used to clean equipment and utensils is now a Priority foundation violation. Guidance does not change. SOPs and training should include cleaning agents and sanitizers available at all times.  This could impact scoring changes on inspections and assessments.
Amended to revise risk designation from core to Priority foundation (Pf) item.  A cabinet used for the storage of food, or a cabinet that is used to store cleaned and sanitized equipment, utensils, laundered linens and single use articles, may not be located: (2) in toilet rooms; Pf	4-401.11(A) (2) 4-903.12 (A) (2)	Guidance does not change. SOPs should include proper storage of food and equipment. Ensure cabinets used for the storage of food, or to store cleaned and sanitized equipment, utensils, laundered linens and single use articles, are not located in toilet rooms.  This could impact scoring changes on inspections and assessments.

CHAPTER 5 WATER, PLUMBING, AND WASTE	CODE REFERENCE	COMMENTS
Amended to revise the hot water temperature at the hand sink from at least 38°C (100°F) to at least 29.4°C (85°F).	5-202.12 (A)	Revise standard operating procedures (SOPs) of hot water temperature at the hand sink from at least 38°C (100°F) to at least 29.4°C (85°F). SOP for handwashing can be revised from washing with water at 38°C (100°F) to washing with water at least 29.4°C (85°F).  Handwashing sink must be capable of delivering running water that is at least 29.4°C (85°F).
Amended to delete the exception and allowance of chemically treated towelettes for handwashing when for temporary use.	5-203.11 (C)	Remove use of chemically treated towelettes for handwashing from all general and crisis SOPs and training.

CHAPTER 6 PHYSICAL FACILITIES	CODE REFERENCE	COMMENTS
Amended to allow pet dogs in outdoor dining areas, where approved.	6-501.115 (D)	If your establishment would like to allow pet dogs in outdoor dining areas, seek approval from regulatory authority. When developing a plan for approval there are key areas to consider including: vaccination status of the dog, restraining dog, alerting signage, preparing food for dogs, emergency protocol and maintaining the outdoor dining area.

CHAPTER 7 POISONOUS OR TOXIC MATERIALS	CODE REFERENCE	COMMENTS
Amended to include the prohibition of storage, transport, or dispensing of, equipment, utensils, linens, single-service, or single-use articles, in containers previously used for storing toxic chemicals. The section previously only mentioned the prohibition of storing food in these containers.	7-203.11	Update SOPs and training to include prohibition of storage, transport or dispensing of equipment, utensils, linens, single-service, or single-use articles and food, in containers previously used for storing toxic chemicals.

CHAPTER 8 COMPLIANCE AND ENFORCEMENT	CODE REFERENCE	COMMENTS
<p>Amended to include “or donated” in the application of this Code in public health protection.</p> <p>Regulatory shall apply this code to promote its underlying purpose, of safeguarding public health and ensuring that food is safe, unadulterated and honestly presented, when offered to the consumer or donated.</p>	8-101.10 (A)	<p>Follow food receiving, storage and preparation guidelines, for donated foods as you would food for service to consumers. Update SOPs and training as needed.</p> <p>Refer to new Subpart 3-204 for food donation requirements.</p>
<p>Amended to include a new paragraph (A) addressing maintenance of approved variance at the food establishment.</p> <p>If the regulatory authority grants a variance or a HACCP plan is otherwise required, the permit holder shall: (A) maintain the approved variance at the food establishment.</p>	8-103.12 (A)	<p>Ensure approved specialized process or HACCP plans are maintained at each establishment.</p> <p>Update plans and get approval from regulatory authority as procedures change and/or as required.</p>

This synopsis of the FDA’s “Summary of Changes in the 2022 FDA Food Code” is intended only for informational purposes and does not constitute legal or regulatory advice. Specific questions on adoption of these changes or regulatory interpretation should be directed to regulatory authority or legal counsel. For questions related directly to this summary, please contact your local Ecolab representative.

# Summary of Changes in the 2022 FDA Food Code

This Summary provides a synopsis of the textual changes from the 2017 FDA Food Code and the Supplement to the 2017 Food Code Chapters and Annexes to the 2022 edition. The primary intent of this record is to capture the nature of the changes rather than to identify every word or editing change. ***This record should not be relied upon as an absolute comparison that identifies each and every change.***

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## General

- Numerous editing changes were made throughout the document for internal consistency, to correct some errors in the 2017 Code and for clarification.
- Updated the web links throughout the Code and Annexes.
- Converted several Tables, charts, and images throughout the Code to meet web accessibility requirements under Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d). Section 508 mandates that all federal agencies eliminate the barriers in accessing electronic and information technology.

## Preface

- Amended the Preface to revise Preface sections 3, 5, 6, and 9 to update internal references and to add an explanation of the change in Food Code release frequency from 2021 to 2022.

## Chapter 1. Purpose and Definitions

- Amended § 1-201.10 (B) to revise the definition of the term “Certification Number” to include all the certification and permit codes that may be found on a shellfish tag or label.
- Amended § 1-201.10 (B) to revise the definition of the term “Commingle” to align with the NSSP Model Ordinance.
- Amended § 1-201.10 (B) to add new term “In-Shell Product” meaning non-living, processed shellfish with one or both shells present.
- Amended § 1-201.10 (B) to revise the definition of the term “Intact Meat” to clarify that beef products that are vacuum tumbled with solutions are not considered intact meats.
- Amend §1-201.10 (B) to revise the definition of the term “Intact Meat” to add ‘cubing or pounding’. Note: The parenthesis (including injection) was removed in the Supplement to the 2017 Food Code due to the revised definition of the term ‘Mechanically Tenderized’ that includes injection.
- Amended §1-201.10 (B) to revise the definition of the term “Major food allergen” in subparagraph (1)(a) to add Sesame as the 9<sup>th</sup> major food allergen, effective January 1, 2023.
- Amended § 1-201.10 (B) to revise the definition of the term “Mechanically Tenderized” to be consistent with the USDA FSIS description of “mechanically tenderized” in the 2015 final rule titled Descriptive Designation of Needle- or Blade-Tenderized (Mechanically Tenderized) Beef Product (80 FR 28153). The rule established labeling requirements for raw or partially cooked mechanically tenderized beef products and clarified that products injected with a marinade or solution are considered mechanically tenderized.



## FDA Food Code 2022: Summary of Changes

- Amended § 1-201.10 (B) to revise the definition of the term “Molluscan Shellfish” to clarify that the term is inclusive of shellstock, in-shell product, and shucked shellfish.
- Amended § 1-201.10 (B) to revise the definition of the term “Poisonous or toxic material” to include a new fifth category “Restricted Use Pesticide”.
- Amended § 1-201.10 (B) to revise the definition of the term “Ready-to-Eat” to replace “Fruits and vegetables” with “Plant foods” in paragraph (2)(c).
- Amended § 1-201.10 (B) to revise the definition of the term “Ready-to-Eat Food” to indicate what Ready-to-eat Food does not include.
- Amended § 1-201.10 (B) to revise the definition of the term “Reduced oxygen-packaging” in subparagraph 2(d) specific to cook chill packaging, to delete the phrase, “which have the air expelled”.
- Amended § 1-201.10 (B) to revise the definition of the term “Shellstock” to clarify that it is live molluscan shellfish in the shell.
- Amended § 1-201.10 (B) to revise the definition of the term “Shucked Shellfish” to clarify that both shells of this product are removed.
- Amended § 1-201.10 (B) to add a new term “Tobacco Product”.

## Chapter 2. Management and Personnel

### 2-101.11

- Amended § 2-101.11 to add new ¶(C) to address situations where the regulatory authority has deemed a food establishment to pose minimal risk of causing, or contributing to, foodborne illness based on the nature of their operation and extent of food preparation.

### 2-102.20

- Amended ¶¶ 2-102.20(A) & (B) to correct the title of the Conference for Food Protection Standard to remove the “s” at the end of the word ‘Standards’ so it is not indicated as a plural word. The correct title now reads as, ‘*Conference for Food Protection Standard for Accreditation of Food Protection Manager Certification Programs*’.

### 2-103.11

- Amended to add new paragraph (J) to address additional duty requirement for the Person in Charge to ensure food employees are properly maintaining the temperatures of time/temperature control for safety foods during thawing and redesignated paragraphs (J) – (P) as new paragraphs (K) –(Q).
- Amended ¶ 2-103.11(N) (now ¶2-103.11(O) in the 2022 Food Code) to indicate what food allergy awareness includes.

### 2-201.11

- Amended sub¶ 2-201.11(D)(1) to remove cross reference to ¶ 2-201.12(G) to



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correctly indicate conditions under which the food employee should be excluded.

- Amended sub¶ 2-201.11(D)(2) to add a cross reference to ¶ 2-201.12(G) to correctly indicate conditions under which the food employee should be restricted.

### **2-301.14**

- Amended ¶ 2-301.14(D) to include new term “tobacco products”

### **2-401.11**

- Amended § 2-401.11 to revise title and paragraph (A) to include the new term “tobacco products”.

### **2-403.11**

- Amended ¶ 2-403.11(A) to include a new cross reference to ¶ 6-501.115(D) that addresses allowance for pet dogs in outdoor dining areas.

## **Chapter 3. Food**

### **3-201.11**

- Amended sub¶ 3-201.11(E)(1) to indicate the type of steak to obtain from a food processing plant.
- Amended sub¶ 3-201.11(E)(3)(a) to remove “labeled by” and replace with “received from a” to clarify what is received from a food processing plant.
- Amended to delete existing sub¶ 3-201.11(E)(3)(c) as it is no longer applicable to this paragraph.

### **3-202.17 / 3-202.18**

- Amended to re-number and merge § 3-202.17 with § 3-202.18 as the new § 3-202.18. Revised ¶ (A), added a new ¶ (B) and renumbered existing ¶ (B) to new ¶ (C) to clarify identification provisions under one section and removes redundant listing of all terms/forms/conditions of labeling/tagging and replaces with cross-reference to the model ordinance.

### **3-202.19**

- Amended § 3-202.19 to re-number as the new §3-202.17 to clarify flow of product from receipt through service and record keeping. Removed the term “shellfish” and replaced with “shellstock”.

### **3-203.11**

- Amended § 3-203.11 to replace the term Shellstock with Molluscan Shellfish throughout this section.
- Amended ¶ 3-203.11(B) to include language from the previous sub¶ 3-203.12(C)(2)(b) to clarify prohibition of comingling in original containers.
- Amended ¶ 3-203.11(C) to include In-Shell Product.
- Revised new ¶ 3-203.11(E) (old ¶ (3-203.11D) to update cross-reference § 3-

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202.17 in sub¶¶ (E)(1)-(2) to correctly indicate § 3-202.18.

- Amended ¶¶ 3-203.11(B)-(D) to renumber as new ¶¶ (C) – (E).

### **3-203.12**

- Amended § 3-203.12 title and entire section to replace the phrase “Shellstock and Shucked Shellfish” with the term “Molluscan Shellfish”.
- Amended ¶ 3-203.12(B) and (C) to include an invoice as appropriate documentation.
- Amended ¶ 3-203.12 (C) to revise sub¶ 3-203.12 (C)(2)(a) and re-designate as the new sub¶ 3-203.12 (C)(1) and (2).
- Amended sub¶ 3-203.12 (C)(2) to include in-shell product and shucked shellfish.
- Deleted sub¶ 3-203.12(C)(2)(b) and re-designated as the new ¶ 3-203.11(B).

### **3-204**

- Added new Subpart 3-204 on food donation under Part 3-2 Sources, Specifications, and Original Containers and Records.

### **3-204.10**

- Added a new § 3-204.10 titled Food Donation, to indicate when food may be offered for donation.

### **3-302.11**

- Amended sub¶ 3-302.11(A)(1) to add an additional exception indicating instances when raw animal food does not need separation from RTE food.

### **3-302.15**

- Amended ¶ 3-302.15(B) to include reference for the use of Produce Wash testing devices.

### **3-305.12**

- Amended ¶ 3-305.12(B) to revise risk designation from Core to Priority Foundation.

### **3-401.11**

- Revised sub¶ 3-401.11(A)(2) to delete the terms “mechanically tenderized” and “injected” and replace with the term “nonIntact meat”. Also removed the term “meats” from the listing of comminuted meats as it is already included by definition under the term nonIntact meat.
- Amended sub¶ 3-401.11(C)(2) to align with the Food Safety and Inspection (FSIS) labeling requirements of mechanically tenderized beef products.

### **3-401.15**

- Amended to add a new § 3-401.15 addressing manufactured food cooking

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instructions.

### 3-501.13

- Amended sub¶ 3-501.13(C)(1) to add a new cross reference under Thawing to the new § 3-401.15.
- Amended ¶¶ 3-501.13(A)-(C) to re-designate from a Core Item to a Priority Foundation (Pf) Item.
- Amend sub¶ 3-501.13(C)(1) to include new cross-reference to new § 3-401.15 Cooking Packaged Food and Food not Processed to Control Pathogens.

### 3-501.17

- Amended sub¶ 3-501.17(G)(1) to update the existing cross reference of 21 CFR 110 with 21 CFR 117.

### 3-501.19

- Added new sub-¶¶ (B)(2)(a), (b), (c), (d) to 3-501.19(B)(2) to address a READY-TO-EAT produce or hermetically sealed FOOD that is rendered TIME/TEMPERATURE CONTROL FOR SAFETY FOOD upon cutting, chopping, or opening of a hermetically sealed container to begin at 21°C (70°F) or less and remain at 21°C (70°F) or less within a maximum of 4 hours.
- Re-designated existing ¶¶ 3-501.19(B)(2)(3) and (4) as new ¶¶ 3-501.19(B)(3)(4) and (5) respectively.

### 3-502.12

- Amended to add new sub¶ 3-502.12(e)(iii) to address cook chill/sous vide products cooled to 5°C (41°F) in the sealed PACKAGE or bag as specified under §3-501.14 and subsequently cooled to 1°C (34°F) and moved to 5°C (41°F) holding temperature and held for a max of 7 days.

### 3-602.11

- Amended sub¶ 3-602.11(C)(2) to add a cross reference to sub¶ 3-602.11(B)(5) to address major food allergen labeling in bulk food available for consumer self dispensing.

### 3-801.11

- Amended ¶ 3-801.11(C) to add a new sub-¶ (4) with cross-reference to new § 3-401.15 Manufacturer Cooking Instructions.

## Chapter 4. Equipment, Utensils, and Linens

### 4-205.10

- Amended § 4-205.10 to clarify that equipment that has been certified for conformance to an appropriate American National Standard is deemed to comply with the equipment sanitation provisions contained in Parts 4-1 and 4-2.

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### 4-303.11

- Amended § 4-303.11 to add the risk designation of priority foundation (Pf) item that was inadvertently left off in the 2017 Food Code.

### 4-401.11

- Amended sub¶ 4-401.11 (A)(2) to revise risk designation from Core to Priority Foundation (Pf) item.

### 4-903.12

Amended sub¶ 4-903.12 (A)(2) to revise risk designation from Core to Priority Foundation (Pf) item..

## Chapter 5. Water, Plumbing, and Waste

### 5-202.12

Amend ¶ 5-202.12(A) to revise the hot water temperature at the hand sink from at least 38°C (100°F) to at least 29.4°C (85°F).

### 5-203.11

Amended § 5-203.11 to delete “¶(C)” and remove any reference to “¶(C)” in this section.

## Chapter 6. Physical Facilities

### 6-403.11

- Amended ¶ 6-403.11(A) to include the new term “tobacco products”.

### 6-501.115

- Amended § 6-501.115 Prohibiting Animals to add a new exception paragraph (D) to allow for pet dogs in outdoor dining areas, where approved.
- Amended ¶ 6-501.115(A) to add a new cross reference to ¶ 6-501.115(D) to allow for pet dogs in outdoor dining areas, where approved.

## Chapter 7. Poisonous or Toxic Materials

### 7-202.12

- Amended sub¶ 7-202.12(B)(2) to remove “Restricted Use Pesticide” (RUP), as the definition of Poisonous or Toxic Materials has been revised to include RUP as the fifth category.

### 7-203.11

- Amended to include the prohibition of storage of equipment, utensils, linens, single- service, or single-use articles in containers previously used for storing toxic chemicals. The section previously only mentioned the prohibition of storing food in these containers.

## Chapter 8. Compliance and Enforcement

### 8-101.10

- Amended ¶ 8-101.10(A) to include “or donated” in the application of this Code in public health protection.

### 8-103.12

- Amended § 8-103.12 to include new ¶(A) addressing maintenance of APPROVED VARIANCE at the FOOD ESTABLISHMENT; Existing ¶¶ (A) and (B) renumbered to ¶¶ (B) and (C).

### 8-201.12

- Amended ¶8-201.12(C) as part of the sentence was inadvertently left off in the 2017 Food Code.

### 8-201.14

- Amended §8-201.14 to:
  - Delete sub¶ (C)(2) and add as new sub¶ (E)(2) that speaks to significant hazards for each critical control point
  - Delete sub¶¶ (C)(4) and (C)(5) and merge into newly revised ¶ (D) to highlight documents that should be submitted as a separate document
  - Redesignate existing ¶(D) as the new ¶(E)
  - Redesignate existing sub¶(D)(5) as the new sub¶ (E)(5) and switched former ¶(E)(4) to follow, so the sequence in new sub¶(E) now follows the sequence of the HACCP Principles of monitoring, corrective actions and verification, where the subparagraphs are now sequenced as:
    - (E)(4) establish monitoring procedures,
    - (E)(5) establish corrective actions,
    - (E)(6) establish *verification* procedures.
  - Redesignated existing ¶(E) as new ¶(F) and existing ¶(F) as new ¶(G)

### 8-401.10

- Amended sub¶ 8-401.10(B)(1) to reflect updated cross references due to the addition of a new ¶(A) in § 8-103.12.

## Annex 1. Compliance and Enforcement

No Changes.

## Annex 2. References

### 1-201.10

- Amended to revise § 1-201.10 to update titles, web links and dates for the following references:
  - #3 - Interactions Affecting the Proliferation and Control of Human Pathogens on Edible Plants.
  - #6 - Code of Federal Regulations, Title 9, Part 301. 2 Terminology; Adulteration and Misbranding Standards Definitions, Livestock.
  - #7 - Code of Federal Regulations, Title 9, Section 590.5 Inspection of Eggs and Egg Products (Egg Products Inspection Act), Terms Defined.
  - #19 - Federal Register: May 7, 2001 (Volume 66, Number 88), Rules and Regulations, Pages 22899-22907, DEPARTMENT OF AGRICULTURE, Food Safety and Inspection Service, 9 CFR Parts 362 and 381, Docket No. 01-045IF, RIN 0583-AC84, Mandatory Inspection Ratites and Squabs.
  - #20 - Food Allergen Labeling and Consumer Protection Act of 2004. Public Law 108-282.
  - #22 - Food and Drug Administration/U. S. Public Health Service, 2020. National Shellfish Sanitation Program (NSSP).
  - #23 - Food and Drug Administration/U. S. Public Health Service, 2019 revision. Grade "A" Pasteurized Milk Ordinance.
  - #25 - Institute of Food Technologists (IFT) Report, Evaluation and Definition of Potentially Hazardous Foods, Food and Drug Administration Contract No. 223-98-2333, Task Order No. 4, December 31, 2001.
  - #29 - *Salmonella* spp. and *Listeria monocytogenes* Risk Assessment for Production and Cooking of Blade Tenderized Beef Steaks. Kansas State University.
  - #30 - Hazard Analysis and Critical Control Point System.
- Amended to revise § 1-201.10 to add new reference (#21 - Food Allergy Safety, Treatment, Education, and Research (FASTER) Act of 2021) and renumbered the subsequent references.

### 2-401.11

- Amended to revise § 2-401.11 title to include new term “tobacco products”.

### 2-501.11

- Amended to update reference list to include three new references (#2, #11, #12).

### 3-201.15

- Amended to update web link and date for reference #1 National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish.

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### 3-203.11

- Amended to revise title from “Shellstock” to “Molluscan Shellfish, Original Container”.

### 3-203.12

- Amended to revise title from “Shellstock” to “Molluscan Shellfish, Maintaining Identification”.

### 3-204.10

- Amended to add new § 3-204.10 and 3 new corresponding references #1, #2 and #3.

### 3-401.11

- Amended to update weblink for reference #9 “Draft Risk Assessment of the Public Health Impact of Escherichia coli O157:H7 in Ground Beef, Executive Summary”.

### 3-401.14

- Amended to update weblink for reference #1 Appendix B, Compliance Guidelines for Cooling Heat-Treated Meat and Poultry Products (Stabilization).

### 3-501.17

- Amended reference #5 Ready-to-Eat, Time/Temperature Control for Safety Food, Date Marking to update the title to 21 CFR 117.
- Amended reference #19 USDA/FSIS Directive 10.240.4 to delete and re-number the remaining references.

### 3-501.19

- Amended to add five new references in support of the new exception in §3-501.19. Renumbered references alphabetically to align with existing references.

### 3-502.12

- Amended to update the weblink for reference #20 National Advisory Committee for Microbiological Criteria for Foods.
- 3. Supporting Documents
  - Amended section K. Requirements and Guidance for Retail Facilities Regarding Beef Grinding Logs Tracking Supplier Information to update links and harmonize language based on recent FSIS publications.
  - Amended to add new section, W. Minimizing the Risk of *Campylobacter* and *Salmonella* Illnesses Associated with Chicken Livers.
  - Amended to add new section X and update section title to Guidance Document for Direct-to-Consumer and Third-Party Delivery Service Food Delivery, 2019.
  - Amended to add new section Y. Whole Roaster Pigs: Guidance for Safe

Handling and Cooking.

- Amended to add new section Z. National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish.

### **Annex 3. Public Health Reasons/Administrative Guidelines**

#### **1-201.10**

- Amended to add Public Health Reasons for the term “Certification Number” as a new term and description to the alphabetical listing of terms.
- Amended to add Public Health Reasons for the term “In-Shell Product” as a new term and description to the alphabetical listing of the terms.
- Amended to add Public Health Reasons for new defined term “Tobacco Product” after the public health reasons for the term “Time/Temperature Control for Safety Food”.
- Amended Public Health Reasons for §1-201.10 (B) Terms Defined to add new paragraph 7 under the defined term “Time/Temperature Control for Safety Food” to include information about product assessments.

#### **2-101.11**

- Amended Public Health Reason for §2-101.11 Assignment, to add new paragraph 3 that addresses newly added exception for ¶2-101.11(C).

#### **2-103.11**

- Amended Public Health Reasons for § 2-103.11 Person in Charge, to revise statement in paragraph 6 from “eight major food allergens” to “nine major food allergens”
- Amended Public Health Reasons for §2-103.11 to add a new paragraph 8 addressing employee training on elements associated with food allergy awareness and what topics food establishments can consider including when developing operational- specific allergen training programs for employees.
- Amended Public Health Reasons for §2-103.11 to revise newly designated paragraph 9 to correctly indicate paragraph (P) in the first sentence due to the newly redesignated paragraphs in §2-103.11.
- Amended Public Health Reasons for §2-103.11 to address additional duty requirement for the Person in Charge to ensure food employees are properly maintaining the temperatures of time/temperature control for safety foods during thawing.

#### **2-301.14**

- Amended Public Health Reasons for §2-301.14 to reference new defined term “tobacco products”.



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### **2-401.11**

- Amended Public Health Reasons for § 2-401.11 to revise title to include new term “tobacco products”.

### **3-101.11 / 3-201.11**

- Amended Public Health Reasons for § 3-101.11 and § 3-201.11 to update paragraphs 15-22 with revised weblinks and updated information regarding meat and poultry.
- Amended Public Health Reasons for § 3-201.11 to revise paragraph 24 to update information regarding labeling of steaks that are non-intact.

### **3-202.18**

- Amended to re-number and merge Public Health Reasons for § 3-202.17 with § 3-202.18 as the new § 3-202.18.
- Amended Public Health Reasons for new § 3-202.18 to place descriptive paragraph from old § 3-202.18 as paragraph one.
- Amended Public Health Reasons for § 3-202.18 to add new paragraph two and three to describe dual-purpose tags.
- Amended Public Health Reasons for § 3-202.18 to place descriptive paragraph from old § 3-202.17 as paragraph four.

### **3-202.19**

- Amended to delete existing Public Health Reasons for § 3-202.19 and re-number as the new § 3-202.17.

### **3-203.11**

- Amended Public Health Reasons for § 3-203.11 paragraph 2 to update citation from § 3-202.17 to § 3-202.18.

### **3-203.12**

- Amended Public Health Reasons for § 3-203.12 to revise title from “Shellstock, Maintaining Identification” to “Molluscan Shellfish, Maintaining Identification.”
- Amended Public Health Reasons for § 3-203.12 paragraphs 1-4 to replace the term “Shellstock” with “Molluscan Shellfish” wherever the term was used.

### **3-204.10**

- Added new public health reasons for § 3-204.10 to address food donation compliance with law and Code applicability.

### **3-302.11**

- Amended Public Health Reasons for § 3-302.11 to revise paragraph 1 to include information on the additional exception provided in subparagraph (A)(1) indicating instances when raw animal food does not need separation from RTE food.

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- Amended Public Health Reasons for § 3-302.11 to revise paragraph 2 to appropriately characterize terminology from allergen cross contamination to allergen cross contact in the last sentence.

### 3-305.12

- Amended Public Health Reasons for § 3-305.12 to add new paragraph 2 that provides reference to the public health reason for § 2-501.11.

### 3-401.11

- Amended Public Health Reasons for § 3-401.11 to revise paragraphs 3, 10, 12-16 and add a new paragraph 11 to clarify and update information with revised FSIS policies.

### 3-401.15

- Added Public Health Reasons for new § 3-401.15 Manufacturer Cooking Instructions.

### 3-501.14

- Amended Public Health Reasons for § 3-501.14 to revise paragraphs 12 -14 in the section addressing the CFSAN/FSIS Joint Position Paper on Cooling to update and harmonize with revised FSIS policies.

### 3-501.17

- Amended Public Health Reasons for §3-501.17 Ready-to-Eat, Time/Temperature Control for Safety Food, Date Marking, to include reference to a fact sheet developed to assist industry and regulatory authorities to better understand the types of information that may be included on a date marking label and what the disposition time of that product looks like based on the information provided.
- Amended Public Health Reasons for § 3-501.17 to revise the weblink under the “FDA/USDA/CDC *Listeria monocytogenes* Risk Assessment” section in paragraph 1 for the Quantitative Assessment of the Relative Risk to Public Health from the Foodborne *Listeria monocytogenes* Among Selected Categories of Ready-to-Eat Foods.
- Amended Public Health Reasons for § 3-501.17 to revise the weblink under the “*Hard and Semi-soft Cheeses*” section in Paragraph 1 for FDA issuing an exemption from date marking for certain types of hard and semi-soft cheeses.
- Amended Public Health Reasons for § 3-501.17 paragraph 10 (Deli Salads Prepared and Packaged in a Food Processing Plant) to update the existing cross reference of 21 CFR 110 with 21 CFR 117.

### 3-501.19

- Amended Public Health Reasons for §3-501.19 Time as a Public Health Control to add new paragraph 16 that addresses newly added exception for ¶3-501.19(B)(2).

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### 3-502.12

- Amended Public Health Reasons for §3-502.12, Reduced Oxygen Packaging with One Barrier (Cook-Chill and Sous Vide) to indicate there are “four” options for cooling cook- chill and sous vide TCS foods.

### 3-602.11

- Amended Public Health Reasons for § 3-602.11 to revise paragraph 1 under the subheading ‘Food Allergen Labeling’ to clarify how FALCPA amended the FD&C Act and added a new paragraph 2 to provide information on the Food Allergy Safety, Treatment, Education, and Research Act of 2021 (FASTER Act).

### 3-602.12

- Amended Public Health Reasons for § 3-602.12 to add new paragraph 3 under the subheading “Food Labels and other forms of information” and added a new paragraph 2 and revised existing paragraph 1 under the subheading “Food Allergen Labeling” to address the inclusion of written notification of major food allergens in unpackaged foods.

### 4-501.114

- Amended Public Health Reasons in § 4-501.114 to clarify intent of paragraph 3 that formulation of food contact surface sanitizers is not limited to chlorine, iodine and quaternary ammonium compounds.

### 5-202.12

- Amended Public Health Reasons for ¶ 5-202.12(A) to revise paragraphs 1 and 2 to incorporate the revision from the hot water temperature at the hand sink from at least 38°C (100°F) to at least 29.4°C (85°F).

### 6-501.115

- Amended Public Health Reasons for §6-501.115 Prohibiting Animals to add new paragraph 6 that addresses allowance of pet dogs in outdoor dining areas, where approved.

## **Annex 4. Management of Food Practices-Achieving Active Managerial Control of Foodborne Illness Risk Factors**

- Amended **Section 3. The HACCP Principles, Category (A) (4) Food Allergens As Food Safety Hazards**
  - Amended paragraph 2 to add sesame to the list of major food allergens.
  - Amended paragraph 4 to clarify requirements that are included in FALCPA.
  - Added new paragraph 5 to indicate new requirements as a result of the FASTER Act.
- Amended **Annex 4, Tables 2a-b Common Chemical Hazards at Retail, Along with their Associated Foods and Control Measures**

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- Amended Table 2a. to add “Sesame” in the Associated Foods box addressing allergens (foods containing or contacted by).
- Amended Table 2b. to remove the columns associated with the flavor enhancer monosodium glutamate (MSG) from the table.
- Amended paragraph 1 in **Section 3. The HACCP Principles. Category (C) Principle #3: Establish Critical Limits (2) What are examples of critical limits** to correctly reference the appropriate pH critical limit for the acidification of sushi rice.

### Annex 5. Conducting Risk-Based Inspection

No Changes.

### Annex 6. Food Processing Criteria

No Changes.

### Annex 7. Models Forms, Guides, and Other Aids

- **Form 3-A Food Establishment Inspection Report**
  - Amended Item #1 Supervision to include an additional compliance status of N/A to address new exception in ¶ 2-101.11(C).
  - Amended Item #6 Proper eating, tasting, drinking or tobacco use to replace “tobacco use” with the new term “tobacco products”.
  - Amended to update Item #14 title to replace the term “shellstock tags” with “molluscan shellfish”.
- **Guide 3-B, Instructions for Marking the Food Establishment Inspection Report, Including Food Code References for Risk Factors/Interventions and Good Retail Practices**
  - General Marking Instructions. Amended the Instructions for Marking the Food Establishment Report in Sections C (Risk Factors) and D (Good Retail Practices) to capture new or updated cross references based on changes made in this Supplement as follows:

Item #1

Amended Item #1 to include an additional compliance status of N/A to indicate that the item is not applicable for the facility.

Amended Item #1, PIC present, demonstrates knowledge, and performs duties to revise applicable code section for § 2-103.11 to include redesignated paragraphs (A)-(Q).

Item #6

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Amended Item #6, Proper, Eating, Tasting, Drinking or Tobacco Use to update the title to include the new term “tobacco products” and include tobacco products in the descriptive narrative and to update the applicable code sections to reflect the revised section title for 2-401.11 to include the new term “tobacco products”.

### Item #11

Amended item #11, Approved Source, to rename the title to more appropriately state, “Food From a Source that Complies with Law”.

Amended Item #11 to make an editorial change to clarify the IN/OUT instructions that food must be obtained from sources that comply with Law.

### Item #14

Amended Item #14 Required records available: shellstock tags, parasite destruction to revise title and descriptive language to replace the terms “shellstock tags” with “molluscan shellfish identification”.

Amended Item #14 Applicable Code Sections to replace the terms “shellstock tags” with “molluscan shellfish” where applicable.

### Item #15

Amended Item #15 Food Separate and Protected to add additional parameters clarifying RTE food may be combined with raw animal food when combined as ingredients for future prep/cooking.

### Item #18

Amended Item #18 to update the IN/OUT marking instructions to add additional information about foods bearing manufacturer cooking instructions or a disclosure that the food has not been processed to control pathogens.

Amended Item #18 to update the table of “Internal Cooking Temperature Specifications for Raw Animal Foods” to denote the proper cooking time/temperatures under intact meat and to replace the terms mechanically tenderized and injected with nonIntact Meat to harmonize with the revised definition of Intact meat.

Amended Item #18, Proper cooking time and temperature to add a new Applicable Code Section: 3-401.15 Manufacturer Cooking Instructions.

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### Item #29

Amended Item #29 to reflect marking the inspection report Out of Compliance when the approved variance in ¶ 8-103.12(A) is not kept at the food establishment.

### Item #35

Amended Item #35 to revise the risk designation from a core item to a priority foundation item under the applicable code § 3-501.13 Thawing.

### Item #37

Amended Item #37, Food Properly Labeled, Original Container to add guidance that addresses bulk food available for consumer self-dispensing and labeling of major food allergens.

Amended Item #37, Food Properly labeled, Original Container to reflect new addition of consumer written notification of major food allergens as an ingredient in unpackaged foods.

Amended Item #37 Food properly Labeled; Original Container to remove 3-202.17 as an applicable code section.

### Item #39

Amended Item #39, Contamination prevented during food preparation, storage and display to add risk designation of Priority Foundation to applicable code section 3-305.12.

Amended Item #39 Contamination prevented during food preparation, storage and display to remove applicable code section 3-202.19 and replace with applicable code section 3-202.17.

### Item #44

Amended Item #44, Utensils, equipment and linens; properly stored, dried and handled to add risk designation of Priority Foundation to applicable code section 4-903.12.

### Item #47

Amended Item #47, Food and non-food contact surfaces cleanable, properly designed, constructed and used to add risk designation of Priority Foundation to applicable code section 4-401.11.

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### Item #48

Amended Item #48 to revise the title of § 4-501.110 under the applicable code sections, which was incorrectly written in the 2017 Food Code.

Amended Item #48 to include § 4-501.116 Warewashing Equipment, Determining Chemical Sanitizer Concentration under the applicable code sections that was inadvertently missing in previous versions of the Food Code.

- **Chart 4-D FDA Food Code Mobile Food Establishment Matrix**
  - Revised Chart 4-D FDA Food Code Mobile Food Establishment Matrix to delete reference of ¶ 5-203.11(C) from the following categories: “Personnel”, “Water & Sewage” to reflect the deletion made in § 5-203.11.