

Wyoming Department of Agriculture

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

Chapter1

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

Section 2. **Wyoming Food Safety Rule.**

(a) These provisions shall be known as the Wyoming Food Safety Rule, hereinafter referred to as this Rule.

Section 3. **Statement of Purpose.**

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

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

Section 4. **Public Health Protection.**

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

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

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

(ii) Whether food-contact surfaces comply with Chapter 6, Section 13;

Effective 07/02/2008

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

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

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

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

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

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

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

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

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

**Section 7. Variance Requirements.**

(a) If the Wyoming department of agriculture grants a variance as specified in Chapter 1, Section 6, or a HACCP plan is otherwise required as specified under Chapter 10, Section 1, the license holder shall:

(i) Comply with the HACCP Plan and procedures that are submitted

Effective 07/02/2008

as specified under Chapter 10, Section 2, and approved as a basis for the modification or waiver; and

(ii) Maintain and provide to the Wyoming department of agriculture, upon request, records specified under Chapter 10, Section 2 (a) (iv) and (v), that demonstrate that the following are routinely employed:

- (A) Procedures for monitoring critical control points;
- (B) Monitoring of the critical control points;
- (C) Verification of the effectiveness of an operation or process;

and

(D) Necessary corrective actions if there is failure at a critical control point.

#### Section 8. **Applicability and Terms Defined.**

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

(i) "Accredited program."

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

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

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

(ii) "Additive."

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

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

Effective 07/02/2008

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

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

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

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

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

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

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

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

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

(x) "Asymptomatic."

(A) "Asymptomatic" means without obvious symptoms; not showing or producing indications of a disease or other medical condition, such as an

Effective 07/02/2008

individual infected with a pathogen but not exhibiting or producing any signs or symptoms of vomiting, diarrhea, or jaundice.

(B) "Asymptomatic" includes not showing symptoms because symptoms have resolved or subsided, or because symptoms never manifested.

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

(xii) "Balut" means an embryo inside a fertile egg that has been incubated for a period sufficient for the embryo to reach a specific stage of development after which it is removed from incubation before hatching.

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

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

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

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

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

(xviii) "Casing" means a tubular container for sausage products made of either natural or artificial (synthetic) material.

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

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

(xxi) "CIP."

Effective 07/02/2008

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

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

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

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

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

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

(xxiv) "Commingle" means:

(A) To combine shellstock harvested on different days or from different growing areas as identified on the tag or label, or

(B) To combine shucked shellfish from containers with different container codes or different shucking dates.

(xxv) "Comminuted."

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

(xxvi) "Conditional employee" means a potential food employee to whom a job offer is made, conditional on responses to subsequent medical questions or examinations designed to identify potential food employees who may be suffering from a disease that can be transmitted through food and done in compliance with Title 1 of the Americans with Disabilities Act of 1990.

Effective 07/02/2008

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

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

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

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

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

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

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

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

(xxxv) "Critical item."

(A) "Critical item or critical violation" means a provision of this Rule, that, if in noncompliance, is more likely than other violations to contribute to food contamination, illness, or environmental health hazard.

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

Effective 07/02/2008

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

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

(xxxix) "Department" means the Wyoming department of agriculture.

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

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

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

(xliii) "Distressed merchandise" means any food:

(A) Which has had the label lost;

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

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

(xliv) "Drinking water."

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

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

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

Effective 07/02/2008

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

(xlv) "Easily cleanable."

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

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

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

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

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

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

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

(xlvii) "Easily movable" means:

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

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

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

(xlix) "Egg"

(A) "Egg" means the shell egg of avian species such

Effective 07/02/2008

as chicken, turkey, duck, goose, guinea, quail or ratite.

(B) "Egg" does not include:

(I) A balut;

(II) The egg of reptile species such as alligator; or

(III) An egg product.

(l) "Egg Product."

(A) "Egg Product" means all, or a portion of, the contents found inside eggs separated from the shell and pasteurized in a food processing plant, with or without added ingredients, intended for human consumption, such as dried, frozen or liquid eggs.

(B) "Egg Product" does not include food which contains eggs only in a relatively small proportion such as cake mixes.

(li) "Employee" means the license holder, person in charge, food employee, person having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or other person working in an establishment or processing plant.

(lii) "Enterohemorrhagic *Escherichia coli*" (EHEC) means *E. coli* which cause hemorrhagic colitis, meaning bleeding enterically or bleeding from the intestine. The term is typically used in association with *E. coli* that have the capacity to produce Shiga toxins and to cause attaching and effacing lesions in the intestine. EHEC is a subset of STEC, whose members produce additional virulence factors. Infections with EHEC may be asymptomatic but are classically associated with bloody diarrhea (hemorrhagic colitis) and hemolytic uremic syndrome (HUS) or thrombotic thrombocytopenic purpura (TTP). Examples of serotypes of EHEC include: *E. coli* O157:H7; *E. coli* O157:NM; *E. coli* O26:H11; *E. coli* O145:NM; *E. coli* O103:H2; or *E. coli* O111:NM. *Also see* shiga toxin-producing *e. coli*.

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

(liv) "Equipment."

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

Effective 07/02/2008

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

(iv) "Establishment."

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

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

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

(B) "Establishment" includes:

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

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

(C) "Establishment" does not include:

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

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

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

(IV) A private home that receives catered or home-

Effective 07/02/2008

delivered food.

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

(lvii) "Exclude" means to prevent a person from working as a food employee or entering an establishment or processing plant as a food employee.

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

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

(lx) "FDA" means the U.S. Food and Drug Administration.

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

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

(lxiii) "Federal Meat Inspection Act" means the act of congress approved March 4, 1907, as amended and extended and the imported meat provisions of subSections 306 (b) and (c) of the Tariff Act of 1930 and 9 U.S.C. 1306 (b) and (c), as amended.

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

(lxv) "Fish."

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

(B) "Fish" includes an edible human food product derived in

Effective 07/02/2008

whole or in part from fish, including fish that have been processed in any manner.

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

(lxvii) "Food" means:

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

(B) Chewing gum;

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

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

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

(lxix) "Food-contact surface" means:

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

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

(I) Into a food; or

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

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

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

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

Effective 07/02/2008

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

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

(lxxv) "Handwashing Sink."

(A) "Handwashing sink" means a lavatory, a basin or vessel for washing, a wash basin, or a plumbing fixture especially placed for use in personal hygiene and designed for the washing of the hands.

(B) "Handwashing sink" includes an automatic handwashing facility.

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

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

(lxxviii) "Health practitioner" means a physician licensed to practice medicine, or if allowed by law, a nurse practitioner, physician assistant, or similar medical professional.

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

(lxxx) "Highly susceptible population" means a group that is composed of persons who are more likely than other groups of persons in the general population to experience foodborne disease because they are:

(A) Immunocompromised; or older adults who live in a facility that provides health care or assisted living services, such as a hospital or nursing home; or preschool age children in a facility that provides custodial care, such as a day care center.

(B) Obtaining food at a facility that provides services such as custodial care, health care, or assisted living, such as a child or adult day care center,

Effective 07/02/2008

kidney dialysis center, hospital or nursing home, or nutritional or socialization services such as a senior center.

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

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

(A) The number of potential injuries; and

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

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

(lxxxiv) "Juice."

(A) "Juice," when used in the context of food safety, means the aqueous liquid expressed or extracted from one or more fruits or vegetables, purees of the edible portions of one or more fruits or vegetables, or any concentrates of such liquid or puree.

(B) "Juice" does not include, for purposes of HACCP, liquids, purées, or concentrates that are not used as beverages or ingredients of beverages.

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

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

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

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

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

Effective 07/02/2008

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

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

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

(xci) "Major Food Allergen."

(A) "Major food allergen" means:

(I) Milk, egg, fish (such as bass, flounder, cod, and including crustacean such as crab, lobster, or shrimp), tree nuts (such as almonds, pecans, or walnuts), wheat, peanuts, and soybeans; or

(II) A food ingredient that contains protein derived from a food, as specified in Subparagraph (A)(I) of this definition.

(B) "Major food allergen" does not include:

(I) Any highly refined oil derived from a food specified in Subparagraph (A)(I) of this definition and any ingredient derived from such highly refined oil; or

(II) Any ingredient that is exempt under the petition or notification process specified in the Food Allergen Labeling and Consumer Protection Act of 2004 (Public Law 108-282).

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

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

(xciv) "Meat" means the edible part of the muscle of animals, which is skeletal or which is found in the tongue, in the diaphragm, in the heart or in the esophagus, with or without the accompanying or overlying fat, and the portions of bone, skin, sinew, nerve and blood vessels which normally accompany the muscle tissue and

Effective 07/02/2008

which are not separated from it in the process of dressing; it does not include the muscle found in the lips, snout or ears.

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

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

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

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

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

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

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

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

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

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

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

Effective 07/02/2008

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

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

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

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

(cix) "Packaged."

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

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

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

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

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

(cxiii) "Personal care items."

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

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

(cxiv) "pH" means the symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution.

Effective 07/02/2008

Values between zero (0) and seven (7) indicate acidity and values between seven (7) and fourteen (14) indicate alkalinity. The value for pure distilled water is seven (7), which is considered neutral.

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

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

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

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

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

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

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

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

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

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

(cxix) "Potentially Hazardous Food (Time/Temperature Control for Safety Food)."

(A) "Potentially hazardous food (time/temperature control for safety food)" means a food that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation.

Effective 07/02/2008

(B) "Potentially hazardous food (time/temperature control for safety food)" includes:

(I) An animal food that is raw or heat-treated; a plant food that is heat treated or consists of raw seed sprouts, cut melons, cut tomatoes or mixtures of cut tomatoes, or garlic-in-oil mixtures that are not modified in a way that results in mixtures that do not support pathogenic microorganism growth or toxin formation; and

(II) Except as specified in Subparagraph (C)(IV) of this definition, a food that because of the interaction of its AW and PH values is designated as Product Assessment Required (PA) in Table A or B of this definition:

<b>Table A. Interaction of pH and aw for control of spores in food heat treated to destroy vegetative cells and subsequently packaged</b>			
AW values	pH		
	4.6 or less	> 4.6 - 5.6	> 5.6
<0.92	non-PHF*/non-TCS food**	non-PHF/non-TCS food	non-PHF/non-TCS food
> 0.92- 95	non-PHF/non-TCS food	non-PHF/non-TCS food	PA***
> 0.95	non-PHF/non-TCS food	PA	PA
* PHF means potentially hazardous food ** TCS food means time/temperature control for safety food *** PA means Product Assessment required			

<b>Table B. Interaction of PH and AW for control of vegetative cells and spores in food not heat-treated or heat-treated but not packaged</b>				
AW values	pH			
	< 4.2	4.2 - 4.6	> 4.6 - 5.0	> 5.0
< 0.88	non-PHF*/ non-TCS food**	non-PHF/ non-TCS food	non-PHF/ non-TCS food	non-PHF/ non-TCS food
0.88 – 0.90	non-PHF/ non-TCS food	non-PHF/ non-TCS food	non-PHF/ non-TCS food	PA***
> 0.90–0.92	non-PHF/ non-TCS food	non-PHF/ non-TCS food	PA	PA
> 0.92	non-PHF/ non-TCS food	PA	PA	PA
* PHF means Potentially Hazardous Food ** TCS food means time/temperature control for safety food *** PA means Product Assessment required				

(C) "Potentially hazardous food (time/temperature control for safety food)" does not include:

(I) An air-cooled hard-boiled egg with shell intact, or an egg with shell intact that is not hard-boiled, but has been pasteurized to destroy all viable salmonellae;

(II) A food in an unopened hermetically sealed container that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution;

(III) A food that because of its pH or aw value, or interaction of aw and pH values, is designated as a non-PHF/non-TCS food in Table A or B of this definition;

(IV) A food that is designated as Product Assessment Required (PA) Table A or B of this definition and has undergone a Product Assessment

Effective 07/02/2008

showing that the growth or toxin formation of pathogenic microorganisms that are reasonably likely to occur in that food is precluded due to:

- (1.) Intrinsic factors including added or natural characteristics of the food such as preservatives, antimicrobials, humectants, acidulants, or nutrients,
- (2.) Extrinsic factors including environmental or operational factors that affect the food such as packaging, modified atmosphere such as reduced oxygen packaging, shelf life and use, or temperature range of storage and use, or
- (3.) A combination of intrinsic and extrinsic factors; or
- (V) A food that does not support the growth or toxin formation of pathogenic microorganisms in accordance with one of the Subparagraphs (C)(I) - (C)(IV) of this definition even though the food may contain a pathogenic microorganism or chemical or physical contaminant at a level sufficient to cause illness or injury.

(cxx) "Poultry."

(A) "Poultry" means:

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

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

(cxxi) "Premises" means:

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

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

(cxxii) "Primal cut" means a basic major cut into which carcasses and

Effective 07/02/2008

sides of meat are separated, such as a beef round, pork loin, lamb flank, or veal breast.

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

(cxxiv) "Processing plant."

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

(B) "Processing plant" does not include an establishment as defined under Chapter 1, Section 8 (l).

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

(cxxvi) "Purified water" means bottled water produced by distillation, deionization, reverse osmosis, or other suitable process and meets the requirements of purified water in the 21st Edition of the United States Pharmacopeia. Water which meets the definition of this paragraph, and is vaporized, then condensed, may be labeled "distilled water."

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

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

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

(A) "Ready-to-eat food" means food that:

(I) Is in a form that is edible without additional

Effective 07/02/2008

preparation to achieve food safety, as specified under Chapter 3, Section 41(a)-(c), Section 42, or Section 34; or

(II) Is a raw or partially cooked animal food and the consumer is advised as specified under Chapter 3, Section 41(d)(i) and (ii); or

(III) Is prepared in accordance with a variance that is granted as specified under Chapter 3, Section 41(d)(i) and (iii); and

(IV) May receive additional preparation for palatability or aesthetic, epicurean, gastronomic, or culinary purposes.

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

(I) Raw animal food that is cooked as specified under Chapter 3, Sections 41 and 42, or frozen as specified under Chapter 3, Section 34;

(II) Raw fruits and vegetables that are washed as specified under Chapter 3, Section 40;

(III) Fruits and vegetables that are cooked for hot holding, as specified under Chapter 3, Section 43;

(IV) All potentially hazardous food that is cooked to the temperature and time required for the specific food under Chapter 3, Section 41, 42, 43, and cooled as specified in Chapter 3, Section 31;

(V) Plant food for which further washing, cooking, or other processing is not required for food safety and from which rinds, peels, husks, or shells, if naturally present, are removed;

(VI) Substances derived from plants such as spices, seasonings, and sugar;

(VII) A bakery item such as bread, cakes, pies, fillings, or icing for which further cooking is not required for food safety;

(VIII) The following products that are produced in accordance with USDA guidelines and that have received a lethality treatment for pathogens: dry, fermented sausages, such as dry salami or pepperoni; salt-cured meat and poultry products, such as prosciutto ham, country cured ham, and parma ham; and dried meat and poultry products, such as jerky or beef sticks; and

(IX) Foods manufactured according to 21 CFR Part 113, Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers.

Effective 07/02/2008

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

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

(cxxxii) "Reduced oxygen packaging."

(A) "Reduced oxygen packaging" means:

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

(II) A process as specified in Subparagraph (A)(I) of this definition that involves a food for which the hazards *Clostridium botulinum* or *Listeria monocytogenes* require control in the final packaged form.

(B) "Reduced oxygen packaging" includes:

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

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

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

(IV) Cook chill PACKAGING, in which cooked FOOD is hot filled into impermeable bags which have the air expelled and are then sealed or crimped closed. The bagged FOOD is rapidly chilled and refrigerated at temperatures that inhibit the growth of psychotrophic pathogens; or

Effective 07/02/2008

(V) Sous vide PACKAGING, in which raw or partially cooked FOOD is placed in a hermetically sealed, impermeable bag, cooked in the bag, rapidly chilled, and refrigerated at temperatures that inhibit the growth of psychotropic pathogens.

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

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

(cxxxv) "Restrict" means to limit the activities of a food employee so that there is no risk of transmitting a disease that is transmissible through food and the food employee does not work with exposed food, clean equipment, utensils, linens; and unwrapped single-service or single-use articles.

(cxxxvi) "Restricted egg" means any check, dirty egg, incubator reject, inedible, leaker, or loss as defined in 9 CFR 590 Inspection of Eggs and Egg Products (Egg Products Inspection Act).

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

(cxxxviii) "Re-service" means the transfer of food that is unused and returned by a consumer after being served or sold and in the possession of the consumer, to another person.

(cxxxix) "Risk" means the likelihood that an adverse health effect will occur within a population as a result of a hazard in a food.

(cxl) "Safe materials" means:

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

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

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

Effective 07/02/2008

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

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

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

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

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

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

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

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

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

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

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

Effective 07/02/2008

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

(cliii) "Shiga toxin-producing *Escherichia coli*" means any *E. coli* capable of producing Shiga toxins (also called verocytotoxins or "Shiga-like" toxins). Examples of serotypes of STEC include both O157 and non-O157 *E. coli*. Also see enterohemorrhagic *escherichia coli*.

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

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

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

(clvii) "Single-use articles."

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

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

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

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

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

(clxi) "Smooth" means:

(A) A food-contact surface having a surface free of pits and

Effective 07/02/2008

inclusions with a cleanability equal to or exceeding that of one hundred (100) grit number three (3) stainless steel;

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

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

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

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

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

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

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

(clxvii) "Temporary Sampling Establishment" means an establishment that operates for a period of no more than fourteen (14) individual days within three (3) consecutive months in conjunction with a farmers' market or other events held at a single location.

(A) Specific requirements for this type of establishment include:

(I) Only free samples of products sold by vendors who hold a food (distributors/processors) license or by agricultural producers may be provided to the public;

(II) Free samples and associated products sold under the food (distributors/processors) license shall meet all requirements of the Wyoming Food Safety Rule during processing;

(III) Temporary establishment licensing requirements

Effective 07/02/2008  
and fees apply; and

(IV) Whole intact product is exempt from the temporary sampling establishment license.

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

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

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

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

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

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

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

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

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

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

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

Effective 07/02/2008  
the vending machines.

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

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

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

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

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

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

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

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

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

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

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

Effective 07/02/2008

(a) The license holder shall be the person in charge or shall designate a person in charge and shall ensure that a person in charge is present at the establishment or processing plant during all hours of operation.

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

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

- (i) Describing the relationship between the prevention of foodborne disease and the personal hygiene of a food employee;
- (ii) Explaining the responsibility of the person in charge for preventing the transmission of foodborne disease by a food employee who has a disease or medical condition that may cause foodborne disease;
- (iii) Describing the symptoms associated with the diseases that are transmissible through food;
- (iv) Explaining the significance of the relationship between maintaining the time and temperature of potentially hazardous food and the prevention of foodborne illness;
- (v) Explaining the hazards involved in the consumption of raw or undercooked meat, poultry, eggs, and fish;
- (vi) Stating the required food temperatures and times for safe cooking of potentially hazardous food including meat, poultry, eggs, and fish;
- (vii) Stating the required temperatures and times for the safe refrigerated storage, hot holding, cooling, and reheating of potentially hazardous food;
- (viii) Describing the relationship between the prevention of foodborne illness and the management and control of the following:

Effective 07/02/2008

- (A) Cross contamination;
  - (B) Hand contact with ready-to-eat foods;
  - (C) Handwashing; and
  - (D) Maintaining the establishment or processing plant in a clean condition and in good repair;
- (ix) 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.
  - (x) Explaining the relationship between food safety and providing equipment that is:
    - (A) Sufficient in number and capacity; and
    - (B) Properly designed, constructed, located, installed, operated, maintained, and cleaned;
  - (xi) Explaining correct procedures for cleaning and sanitizing utensils and food-contact surfaces of equipment;
  - (xii) Identifying the source of water used and measures taken to ensure that it remains protected from contamination such as providing protection from backflow and precluding the creation of cross connections;
  - (xiii) Identifying poisonous or toxic materials in the establishment or processing plant and the procedures necessary to ensure that they are safely stored, dispensed, used, and disposed of according to law;
  - (xiv) Identifying critical control points in the operation from purchasing through sale or service that when not controlled may contribute to the transmission of foodborne illness and explaining steps taken to ensure that the points are controlled in accordance with the requirements of this Rule;
  - (xv) Explaining the details of how the person in charge and food employees comply with the HACCP plan if a plan is required by the law, this Rule, or an agreement between the regulatory authority and the establishment or processing plant; and
  - (xvi) Explaining how the person in charge, food employees, and conditional employees comply with reporting responsibilities and exclusion or restriction of food employees.

Effective 07/02/2008

**Section 11. Person in Charge, Duties.**

(a) The person in charge shall ensure that:

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

(ii) Persons unnecessary to the establishment or processing plant operation are not allowed in the food preparation, food storage, or warewashing areas, except that brief visits and tours may be authorized by the person in charge if steps are taken to ensure that exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles are protected from contamination;

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

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

(v) Employees are visibly observing foods as they are received to determine that they are from approved sources, delivered at the required temperatures, protected from contamination, unadulterated, and accurately presented, by routinely monitoring the employees' observations and periodically evaluating foods upon their receipt;

(vi) Employees are properly cooking potentially hazardous food, being particularly careful in cooking those foods known to cause severe foodborne illness and death, such as eggs and comminuted meats, through daily oversight of the employees' routine monitoring of the cooking temperatures using appropriate temperature measuring devices properly scaled and calibrated as specified under Chapter 6, Section 38(b), and Section 48;

(vii) Employees are using proper methods to rapidly cool potentially hazardous foods that are not held hot or are not for consumption within four (4) hours, through daily oversight of the employees' routine monitoring of food temperatures during cooling;

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

(ix) Employees are properly sanitizing cleaned multi-use equipment and utensils before they are reused, through routine monitoring of solution temperature

Effective 07/02/2008

and exposure time for hot water sanitizing, and chemical concentration, pH, temperature, and exposure time for chemical sanitizing;

(x) Consumers are notified that clean tableware is to be used when they return to self-service areas such as salad bars and buffets as specified under Chapter 3, Section 53;

(xi) Except when otherwise approved as specified in Chapter 3, Section 39(b), employees are preventing cross-contamination of ready-to-eat food with bare hands by properly using suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment;

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

(xiii) Food employees and conditional employees are informed of their responsibility to report in accordance with law, to the person in charge, information about their health and activities as they relate to diseases that are transmissible through food, as specified under Chapter 1, Section 12 (a).

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

(a) The license holder shall require food employees and conditional employees to report to the person in charge information about their health and activities as they relate to diseases that are transmissible through food. A food employee or conditional employee shall report the information in a manner that allows the person in charge to reduce the risk of foodborne disease transmission, including providing necessary additional information, such as the date of onset of symptoms and an illness, or of a diagnosis without symptoms, if the food employee or conditional employee:

(i) Has any of the following symptoms:

(A) Diarrhea;

(B) Vomiting;

(C) Jaundice; or

(D) Sore throat with fever, or;

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

(I) On the hands or wrists, unless an impermeable

Effective 07/02/2008

cover such as a finger cot or stall protects the lesion and a single-use glove is worn over the impermeable cover;

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

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

(ii) Has an illness diagnosed by a health practitioner due to:

(A) *Salmonella spp*;

(B) *Shigella spp.*;

(C) Enterohemorrhagic or Shiga toxin-producing *Escherichia coli*;

(D) Hepatitis A virus; or

(E) Viral Gastroenteritis including Norovirus

(iii) Had a previous illness, diagnosed by a health practitioner:

(A) *Salmonella spp* within the past three months,

(B) *Shigella spp.* within the past month,

(C) Shiga toxin-producing *Escherichia coli*, within the past month; or

(D) Hepatitis A virus.

(iv) Has been exposed to, or is the suspected source of, a confirmed disease outbreak, because the food employee or conditional employee consumed or prepared food implicated in the outbreak, or consumed food at an event prepared by a person who is infected or ill with:

(A) Viral Gastroenteritis including Norovirus within the past 48 hours of the last exposure,

(B) Enterohemorrhagic or Shiga toxin-producing *Escherichia coli*, or *Shigella spp.* within the past 3 days of the last exposure,

Effective 07/02/2008

- (C) *Salmonella spp.* within the past 14 days of the last exposure,
- (D) Hepatitis A virus within the past 30 days of the last exposure; or
- (v) Has been exposed by attending or working in a setting where there is a confirmed disease outbreak, or living in the same household as, and has knowledge about, an individual who attends or works in a setting where there is a confirmed disease outbreak, or living in the same household as, and has knowledge about, an individual diagnosed with an illness caused by:
  - (A) Viral Gastroenteritis including Norovirus within the past 48 hours of the last exposure,
  - (B) Enterohemorrhagic or Shiga toxin-producing *Escherichia coli*, or *Shigella spp.* within the past 3 days of the last exposure,
  - (C) *Salmonella spp.* within the past 14 days of the last exposure,
  - (D) Hepatitis A virus within the past 30 days of the last exposure.
- (b) The person in charge shall notify the regulatory authority when a food employee is:
  - (i) Jaundiced, or
  - (ii) Diagnosed with a current or previous illness due to a pathogen as specified in Chapter 1, Section 12 (a) (ii) (A)-(E) or (iii) (A)-(D).
- (c) The person in charge shall ensure that a conditional employee:
  - (i) Who exhibits or reports a symptom, or who reports a diagnosed illness as specified in Chapter 1, Section 12 (a) (i)-(iii), is prohibited from becoming a food employee until the conditional employee meets the criteria for the specific symptoms or diagnosed illness as specified in Chapter 1, Section 14; and
  - (ii) Who will work as a food employee in a food establishment that serves a highly susceptible population and reports a history of exposure as specified in Chapter 1, Section 12 (a) (iv)-(v), is prohibited from becoming a food employee until the conditional employee meets the criteria as specified in Chapter 1, Section 14 (a) (ix).

Effective 07/02/2008

(d) The person in charge shall ensure that a food employee who exhibits or reports a symptom, or who reports a diagnosed illness or a history of exposure as specified in Chapter 1, Section 12 (a) (i)-(v) is:

(i) Excluded as specified in Chapter 1, Section 13 (a) (i)-(iii), and Section 13 (a) (iv) (A), (v) (A), (vi) (A), or (vii) (A) and in compliance with the provisions specified in Chapter 1, Section 14 (a) (i)-(vii); or

(ii) Restricted as specified in Chapter 1, Section 13 (a) (iv) (B), (v) (B), (vi) (B), (vii) (B), or Section 13 (a) (viii) or (ix) and in compliance with the provisions specified in Chapter 1, Section 14 (a) (iv)-(ix).

(e) A food employee or conditional employee shall report to the person in charge the information as specified in Chapter 1, Section 12 (a).

(f) A food employee shall:

(i) Comply with an exclusion as specified in Chapter 1, Section 13 (a) (i)-(iii) and Section 13 (a) (iv) (A), (v) (A), (vi) (A), or (vii) (A) and with the provisions specified in Chapter 1, Section 14 (a) (i)-(vii); or

(ii) Comply with a restriction as specified in Chapter 1, Section 13 (a) (iv) (B), (v) (B), (vi) (B), (vii) (B), or Section 13 (a) (viii) or (ix) and comply with the provisions specified in Chapter 1, Section 14 (a) (iv)-(ix).

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

(a) The person in charge shall exclude or restrict a food employee from an establishment or processing plant in accordance with the following:

(i) Except when the symptom is from a noninfectious condition, exclude a food employee from working with exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles, in an establishment or processing plant if the food employee is:

(A) Symptomatic with vomiting or diarrhea; or

(B) Symptomatic with vomiting or diarrhea and diagnosed with an infection from viral gastroenteritis including Norovirus, *Shigella spp.*, or Enterohemorrhagic or Shiga toxin-producing *Escherichia coli*.

(ii) Exclude a food employee who is:

Effective 07/02/2008

(A) Jaundiced and the onset of jaundice occurred within the last 7 calendar days, unless the food employee provides to the person in charge written medical documentation from a health practitioner specifying that the jaundice is not caused by hepatitis A virus or other fecal-orally transmitted infection;

(B) Diagnosed with an infection from hepatitis A virus within 14 calendar days from the onset of any illness symptoms, or within 7 calendar days of the onset of jaundice; or

(C) Diagnosed with an infection from hepatitis A virus without developing symptoms.

(iii) Exclude a food employee who is diagnosed with an infection from *Salmonella* spp, or reports a previous infection with *Salmonella* spp within the past 3 months as specified under Chapter 1, Section 12 (a) (iii).

(iv) If a food employee is diagnosed with an infection from Norovirus and is asymptomatic:

(A) Exclude the food employee who works in a food establishment serving a highly susceptible population; or

(B) Restrict the food employee who works in a food establishment not serving a highly susceptible population.

(v) If a food employee is diagnosed within the past month with an infection from *Shigella* spp. and is asymptomatic:

(A) Exclude the food employee who works in a food establishment serving a highly susceptible population; or

(B) Restrict the food employee who works in a food establishment not serving a highly susceptible population.

(vi) If a food employee is diagnosed within the past month with an infection from enterohemorrhagic or shiga toxin-producing *E. coli*, and is asymptomatic:

(A) Exclude the food employee who works in a food establishment serving a highly susceptible population; or

(B) Restrict the food employee who works in a food establishment not serving a highly susceptible population.

(vii) If a food employee is ill with symptoms of acute onset of sore throat with fever:

Effective 07/02/2008

(A) Exclude the food employee who works in a food establishment serving a highly susceptible population; or

(B) Restrict the food employee who works in a food establishment not serving a highly susceptible population.

(viii) If a food employee is infected with a skin lesion containing pus such as a boil or infected wound that is open or draining and not properly covered as specified under Chapter 1, Section 12 (a) (i) (E), restrict the food employee.

(ix) If a food employee is exposed to a foodborne pathogen as specified under Chapter 1, Section 12 (a) (iv) or (v), restrict the food employee who works in a food establishment serving a highly susceptible population.

**Section 14. Removal, Adjustment, or Retention of Exclusions and Restrictions of Food Employees.**

(a) The person in charge may remove, adjust, or retain the exclusion or restriction of a food employee according to the following conditions:

(i) Except when a food employee is diagnosed with an infection from hepatitis A virus or *Salmonella spp*:

(A) Reinstate a food employee who was excluded as specified under Chapter 1, Section 13 (a) (i) (A) if the food employee:

(I) Is asymptomatic for at least 48 hours; or

(II) Provides to the person in charge written medical documentation from a health practitioner that states the symptom is from a noninfectious condition.

(B) If a food employee was diagnosed with an infection from viral gastroenteritis including Norovirus and excluded as specified in Chapter 1, Section 13 (a) (i) (B):

(I) Restrict the food employee, who is asymptomatic for at least 48 hours and works in a food establishment not serving a highly susceptible population, until the conditions for reinstatement as specified in Chapter 1, Section 14 (a) (iv) (A) or (B) are met; or

(II) Retain the exclusion for the food employee, who is

Effective 07/02/2008

asymptomatic for at least 48 hours and works in a food establishment that serves a highly susceptible population, until the conditions for reinstatement as specified in Chapter 1, Section 14 (a) (iv) (A) or (B) are met.

(C) If a food employee was diagnosed with an infection from *Shigella* spp. and excluded as specified in Chapter 1, Section 13 (a) (i) (B):

(I) Restrict the food employee, who is asymptomatic for at least 24 hours and works in a food establishment not serving a highly susceptible population, until the conditions for reinstatement as specified in Chapter 1, Section 14 (a) (v) (A) or (B) are met; or

(II) Retain the exclusion for the food employee, who is asymptomatic for at least 24 hours and works in a food establishment that serves a highly susceptible population, until the conditions for reinstatement as specified in Chapter 1, Section 14 (a) (v) (A) or (B) are met.

(D) If a food employee was diagnosed with an infection from Enterohemorrhagic or Shiga toxin-producing *Escherichia coli* and excluded as specified in Chapter 1, Section 13 (a) (i) (B):

(I) Restrict the food employee, who is asymptomatic for at least 24 hours and works in a food establishment not serving a highly susceptible population, until the conditions for reinstatement as specified in Chapter 1, Section 14 (a) (vi) (A) or (B) are met; or

(II) Retain the exclusion for the food employee, who is asymptomatic for at least 24 hours and works in a food establishment that serves a highly susceptible population, until the conditions for reinstatement as specified in Chapter 1, Section 14 (a) (vi) (A) or (B) are met.

(ii) Reinstatement a food employee who was excluded as specified in Chapter 1, Section 13 (a) (ii) if the person in charge obtains approval from the regulatory authority and one of the following conditions is met:

(A) The food employee has been jaundiced for more than 7 calendar days;

(B) The anicteric food employee has been symptomatic with symptoms other than jaundice for more than 14 calendar days; or

(C) The food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee is free of a hepatitis A virus infection.

Effective 07/02/2008

(iii) Reinstatement of a food employee who was excluded as specified in Chapter 1, Section 13 (a) (iii) if:

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

(B) The food employee provides to the person in charge written medical documentation from a health practitioner that states the food employee is free from *Salmonella. spp* infection as demonstrated by two (2) consecutive negative stool cultures collected at least 24 hours apart for non-typhoidal Salmonella; or three (3) consecutive negative stool cultures collected at least 24 hours apart for Salmonella sero type Typhi. If any of these cultures are positive for Typhi, exclude the employee and repeat cultures at monthly intervals until three (3) consecutive negative cultures are obtained.

(iv) Reinstatement of a food employee who was excluded as specified in Chapter 1, Section 13 (a) (i) (B) or (a) (iv) (A) who was restricted in Chapter 1, Section 13 (a) (iv) (B) if the person in charge obtains approval from the regulatory authority and one of the following conditions is met:

(A) The excluded or restricted food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee is free of a Norovirus infection;

(B) The food employee was excluded or restricted after symptoms of vomiting or diarrhea resolved, and more than 48 hours have passed since the food employee became asymptomatic; or

(C) The food employee was excluded or restricted and did not develop symptoms and more than 48 hours have passed since the food employee was diagnosed.

(v) Reinstatement of a food employee who was excluded as specified in Chapter 1, Section 13 (a) (i) (B) or (a) (v) (A) or who was restricted in Chapter 1, Section 13 (a) (v) (B) if the person in charge obtains approval from the regulatory authority and one of the following conditions is met:

(A) The excluded or restricted food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee is free of a *Shigella spp.* infection based on test results showing 2 consecutive negative stool specimen cultures that are taken:

(I) Not earlier than 48 hours after discontinuance of antibiotics, and

Effective 07/02/2008

(II) At least 24 hours apart;

(B) The food employee was excluded or restricted after symptoms of vomiting or diarrhea resolved, and more than 4 weeks have passed since the food employee became asymptomatic; or

(C) The food employee was excluded or restricted and did not develop symptoms and more than 4 weeks have passed since the food employee was diagnosed.

(vi) Reinstate a food employee who was excluded or restricted as specified in Chapter 1, Section 13 (a) (i) (B) or (a) (vi) (A) or who was restricted in Chapter 1, Section 13 (a) (vi) (B) if the person in charge obtains approval from the regulatory authority and one of the following conditions is met:

(A) The excluded or restricted food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee is free of an infection from Enterohemorrhagic or Shiga toxin-producing *Escherichia coli* based on test results that show 2 consecutive negative stool specimen cultures that are taken:

(I) Not earlier than 48 hours after discontinuance of antibiotics; and

(II) At least 24 hours apart.

(B) The food employee was excluded or restricted after symptoms of vomiting or diarrhea resolved and more than 7 calendar days have passed since the food employee became asymptomatic; or

(C) The food employee was excluded or restricted and did not develop symptoms and more than 7 days have passed since the food employee was diagnosed.

(vii) Reinstate a food employee who was excluded or restricted as specified in Chapter 1, Section 13 (a) (vii) (A) or (B) if due to group A strep pharyngitis and the food employee provides to the person in charge written medical documentation from a health practitioner stating that the food employee meets one of the following conditions:

(A) Has received antibiotic therapy for *Streptococcus pyogenes* infection for more than 24 hours;

Effective 07/02/2008

(B) Has at least one negative throat specimen culture for *Streptococcus pyogenes* infection; or

(C) Is otherwise determined by a health practitioner to be free of a *Streptococcus pyogenes* infection.

(viii) Reinstate a food employee who was restricted as specified in Chapter 1, Section 13 (a) (viii) if the skin, infected wound, cut, or pustular boil is properly covered with one of the following:

(A) An impermeable cover such as a finger cot or stall and a single-use glove over the impermeable cover if the infected wound or pustular boil is on the hand, finger, or wrist;

(B) An impermeable cover on the arm if the infected wound or pustular boil is on the arm; or

(C) A dry, durable, tight-fitting bandage if the infected wound or pustular boil is on another part of the body.

(ix) Reinstate a food employee who was restricted as specified in Chapter 1, Section 13 (a) (ix) and was exposed to one of the following pathogens as specified in Chapter 1, Section 12 (a) (iv) or (v):

(A) Viral Gastroenteritis including Norovirus and one of the following conditions is met:

(I) More than 48 hours have passed since the last day the food employee was potentially exposed; or

(II) More than 48 hours have passed since the food employee's household contact became asymptomatic.

(B) *Shigella* spp. or Enterohemorrhagic or Shiga toxin producing *Escherichia coli* and one of the following conditions is met:

(I) More than 3 calendar days have passed since the last day the food employee was potentially exposed; or

(II) More than 3 calendar days have passed since the food employee's household contact became asymptomatic.

(C) *Salmonella*. spp and one of the following conditions is met:

Effective 07/02/2008

(I) More than 14 calendar days have passed since the last day the food employee was potentially exposed; if Salmonella Typhi, a food employee must have two (2) negative stool cultures twenty four (24) hours apart; or

(II) More than 14 calendar days have passed since the food employee's household contact became asymptomatic; if Salmonella Typhi, a food employee must have two (2) negative stool cultures twenty four (24) hours apart.

(D) Hepatitis A virus and one of the following conditions is met:

(I) The food employee is immune to hepatitis A virus infection because of a prior illness from hepatitis A;

(II) The food employee is immune to hepatitis A virus infection because of vaccination against hepatitis A;

(III) The food employee is immune to hepatitis A virus infection because of IgG administration;

(IV) More than 30 calendar days have passed since the last day the food employee was potentially exposed;

(V) More than 30 calendar days have passed since the food employee's household contact became jaundiced; or

(VI) The Food employee does not use an alternative procedure that allows bare hand contact with ready to-eat food until at least 30 days after the potential exposure, as specified in Chapter 1, Section 14 (a) (ix) (D) (IV) and (V), and the food employee receives additional training about:

(1.) Hepatitis A symptoms and preventing the transmission of infection,

(2.) Proper handwashing procedures, and

(3.) Protecting ready-to-eat food from contamination introduced by bare hand contact.

#### **Section 15. Bed and Breakfast and Ranch Recreation Requirements.**

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

Effective 07/02/2008

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

**Section 16. State Meat and Poultry Inspection Program.**

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

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

(b) As authorized by 9 CFR 307.5 Overtime and Holiday Inspection Service and 307.6 Basis of Billing for Overtime and Holiday Services, the Department has the authority to charge state inspected meat and poultry plants for overtime and holiday inspection services.

(i) The owner/operator of a state inspected meat or poultry plant shall reimburse the Department for the cost of the inspection service furnished on any holiday as specified in Section 16 (b) (ii); or for more than 8 hours on any day, or more than 40 hours in any workweek Saturday through Friday.

(ii) Holidays for State employees shall be New Year's Day, January 1; Equality Day, the third Monday in January; President's Day, the third Monday in February; Memorial Day, the last Monday in May; Independence Day, July 4; Labor Day, the first Monday in September; Veterans' Day, November 11; Thanksgiving Day, the fourth Thursday in November; Christmas Day, December 25. When any of the above listed holidays falls outside the basic workweek, the nearest workday within that week shall become a holiday.

(iii) Each recipient of overtime or holiday inspection service, or both, shall be billed at the rate of one and one half (1½) times the normal hourly rate of the Inspector-In-Charge for the plant making the request, in increments of quarter hours. For billing purposes, 8 or more minutes shall be considered a full quarter hour. Billing will be for each quarter hour of service rendered by each Department employee.

(iv) State inspected meat or poultry plants requesting and receiving the services of a Department employee after he or she has completed his or her day's assignment and left the premises, or called back to duty during any overtime or holiday period, shall be billed for a minimum of 2 hours overtime or holiday inspection service at

Effective 07/02/2008  
the established rate.

(v) Bills are payable upon receipt and become delinquent 30 days from the date of the bill. Overtime or holiday inspection will not be performed for anyone having a delinquent account.

#### **Section 17. Adoption of Federal Regulations.**

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

(i) The Code of Federal Regulations (CFR): 7 CFR 56 Regulations Governing the Voluntary Grading of Shell Eggs; 7 CFR 57 Inspection of Eggs (Egg Products Inspection Act); 9 CFR 301 Definitions; 9 CFR 302 Application of Inspection and Other Requirements; 9 CFR 303 Exemptions; 9 CFR 304 Application for Inspection; Grant of Inspection; 9 CFR 305 Official Numbers; Inauguration of Inspection; Withdrawal of Inspection; Reports of Violation; 9 CFR 306 Assignment and Authorities of Program Employees; 9 CFR 307 Facilities for Inspection; 9 CFR 309 Antemortem Inspection; 9 CFR 310 Postmortem Inspection; 9 CFR 311 Disposal of Diseased or Otherwise Adulterated Carcasses and Parts; 9 CFR 312 Official Marks, Devices and Certificates; 9 CFR 313 Humane Slaughter of Livestock; 9 CFR 314 Handling and Disposal of Condemned or other Inedible Products at Official Establishments; 9 CFR 315 Rendering or other Disposal of Carcasses and Parts Passed for Cooking; 9 CFR 316 Marking Products and Their Containers; 9 CFR 317 Labeling, Marking Devices, and Containers; 9 CFR 318 Entry into Official Establishments; Reinspection and Preparation of Products; 9 CFR 319 Definitions and Standards of Identity or Composition; 9 CFR 320 Records, Registration, and Reports; 9 CFR 321 Cooperation with States and Territories; 9 CFR 325 Transportation; 9 CFR 329 Detention; Seizure and Condemnation; Criminal Offenses; 9 CFR 352 Exotic Animals; Voluntary Inspection; 9 CFR 354 Voluntary Inspection of Rabbits and Edible Products Thereof; 9 CFR 362 Voluntary Poultry Inspection Regulations; 9 CFR 381 Poultry Products Inspection Regulations; 9 CFR 416 Sanitation; 9 CFR 417 Hazard Analysis and Critical Control Point (HACCP) Systems; 9 CFR 424 Preparation and Processing Operations; 9 CFR 430 Requirements for Specific Classes of Product (*Listeria monocytogenes*); 9 CFR 441.10 Retained Water; 9 CFR 500 Rules of Practice; 9 CFR 590 Inspection of Eggs and Egg Products (Egg Products Inspection Act); 21 CFR 70 Color Additives; 21 CFR 101 Food Labeling; 21 CFR 110 Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food; 21 CFR 113 Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers; 21 CFR 114 Acidified foods; 21 CFR 115 Eggs, Refrigeration; 21 CFR 129 Processing and Bottling of Bottled Drinking Water; 21 CFR 130 Food Standards: General; 21 CFR 133 Cheeses and Related Cheese Products; 21 CFR 135 Frozen Desserts; 21 CFR 170 Food Additives; 21 CFR 171 Food Additive Petitions; 21 CFR 172 Food Additives Permitted for Direct Addition to Food for Human

Effective 07/02/2008

Consumption; 21 CFR 173 Secondary Direct Food Additives Permitted in food for Human Consumption; 21 CFR 174 Indirect Food Additives: General; 21 CFR 175 Indirect Food Additives: Adhesives and Components of Coatings; 21 CFR 176 Indirect Food Additives: Paper and Paperboard Components; 21 CFR 177 Indirect Food Additives: Polymers; 21 CFR 178 Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers; 21 CFR 179 Irradiation in the Production, Processing and Handling of Food; 21 CFR 180 Food Additives Permitted in Food or in Contact with Food on an Interim Basis Pending Additional Study; 21 CFR 181 Prior-Sanctioned Food Ingredients; 21 CFR 182 Substances Generally Recognized as Safe; 21 CFR 186 Indirect Substances Affirmed as Generally Recognized as Safe; 21 CFR 219.80 Processes and Controls; 21 CFR 1030.10 Microwave Ovens; 40 CFR 141 National Primary Drinking Water Regulations; 40 CFR 152.175 Pesticides Classified for Restricted Use; 40 CFR 185 Tolerances for Pesticides in Food; 50 CFR 17 Endangered and Threatened Wildlife and Plants.

(ii) 7 USC 136(e) Certified Applicator, etc; Federal Food, Drug, and Cosmetic Act §201(s) & (t); Federal Food, Drug, and Cosmetic Act §343; Federal Food, Drug, and Cosmetic Act §402; Federal Food, Drug, and Cosmetic Act §403(Q)(3)-(5); Federal Food, Drug, and Cosmetic Act §409; Federal Food, Drug, and Cosmetic Act §706; National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish; U.S. Public Health Service/FDA "Grade A Pasteurized Milk Ordinance", "Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments", "Methods of Making Sanitation Ratings of Milk Shippers", "The Evaluation of Milk Laboratories", and "Grade A Condensed and Dry Milk Ordinance", United States Department of Agriculture/Agriculture Marketing Service "Milk for Manufacturing Purposes and its Production and Processing"; the Uniform Plumbing Code; the USDA AMS 56 U.S. Standards, Grades, and Weight Classes for Shell Eggs; 50 FR 15861 United States Standards for Grades of Extracted Honey, 32 FR 7565 United States Standards for Grades of Comb Honey; Federal Meat Inspection Act (including the Wholesome Meat Act)/Poultry Products Inspection Act, Food Allergen Labeling and Consumer Protection Act of 2004 (Public Law 108-282) and the Humane Methods of Slaughter Act 1978.

(iii) Regulations, rules, and other authorities listed in (i) and (ii) above which are in effect on the effective date of these rules are hereby adopted by the Wyoming department of agriculture. These rules do not include any later amendments or editions. These documents are available for public inspection and may be purchased at cost from the office of the Wyoming department of agriculture.

(iv) Rules, regulations and other authorities adopted are readily available to the public and may be purchased from:

(A) The Code of Federal Regulations; <http://bookstore.gpo.gov>

Effective 07/02/2008

(B) Federal Food, Drug & Cosmetic Act; United States Code; Federal Meat Inspection Act/Poultry Products Inspection Act; <http://www.fda.gov/>

(C) National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish; <http://www.cfsan.fda.gov/~ear/nss3-toc.html>

(D) Grade A Pasteurized Milk Ordinance, Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments, Methods of Making Sanitation Ratings of Milk Shippers, The Evaluation of Milk Laboratories, and Grade A Condensed and Dry Milk Ordinance; <http://www.fda.gov/>

(E) Milk for Manufacturing Purposes and its Production and Processing; [http://www.ams.usda.gov/dairy/prop\\_manufmlk.pdf](http://www.ams.usda.gov/dairy/prop_manufmlk.pdf)

(F) International Plumbing Code; [www.iccsafe.org](http://www.iccsafe.org)

(G) USDA AMS 56 U.S. Standards, Grades, and Weight classes for Shell Eggs; <http://www.usda.gov>

(H) 50 FR 15861 United States Standards for Grades of Extracted Honey; <http://www.ams.usda.gov/standards/exhoney.pdf>

(I) 32 FR 7565 United States Standards for Grades of Comb Honey; <http://www.ams.usda.gov/standards/comhoney.pdf>

(J) Food Allergen Labeling and Consumer Protection Act of 2004 (Public Law 108-282); <http://www.cfsan.fda.gov/~dms/algact.html>

(K) Humane Methods of Slaughter Act 1978; <http://www.access.gpo.gov/uscode/title7/chapter48.html>