

105 CMR 590: State Sanitary Code, Chapter X – Minimum Sanitation Standards for Food Establishments Amended

At the end of 2018, the Massachusetts Department of Public Health amended 105 CMR 590: State Sanitary Code, Chapter X – Minimum Sanitation Standards for Food Establishments by adopting some sections of the 2013 FDA Food Code. All food establishments are required to follow the amended regulation as of **April 1, 2019**. The regulations, new inspection form and additional information are available on the Massachusetts Department of Public Health Food Protection Program website at <https://www.mass.gov/lists/retail-food>.

There have been some significant changes which include;

1. Potentially hazardous food is now called Time/Temperature Control for Safety Food (TCS). 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.
2. Food Establishments that sell only prepacked no TCS foods will no longer need a permit or require an inspection.
3. Classification of cut tomatoes, cut leafy greens and cut melons as TCS foods- refrigerating these foods at 41° F or below will prevent harmful bacterial growth.
4. Each establishment will be required to have a Vomit/Diarrhea Clean-up kit with written procedures. These procedures should reduce the spread of contagious Norovirus particles from these bodily fluids, and help prevent outbreaks.
5. Critical and Non-critical violations language, violations are now categorized as Priority, Priority Foundation, and Core.
6. There are now 6 reportable illnesses. Norovirus, Shiga Toxin- producing E-Coli, Shigella, Non-Typhoidal Salmonella, Salmonella Typhi , Hepatitis A virus.
7. The Temperature Danger Zone has been changed to 41F-135F. Reducing the hot-holding temperature to 135° F, with the benefit of maintaining the moister quality of hot foods, but still ensuring food safety.
8. Highly Susceptible Population now include persons 9 years of age or younger.
9. Date marking is required for prepared ready-to-eat foods with the use-by date, with a limit of 7 days after preparation. This will eliminate confusion on when these foods need to be discarded, and facilitate staff using these foods before dangerous bacterial growth has occurred.
10. Written procedures are required for Time as a Public Health Control (submitted for review) and Non-continuous cooking (submitted or review and approval).
11. Operators must post a sign or placard notifying customers that the most recent inspection report is available upon request.
12. Exempt from permitting on all categories if offering only whole fruits and vegetables, maple syrup, unprocessed honey and farm fresh eggs.
13. Bed and Breakfast Operation- Exempt from permitting if a bed-and-breakfast operation that prepares and offers food to guests meets the following criteria:

- a. The home is owner-occupied;
- b. The number of available guest bedrooms does not exceed six;
- c. Breakfast is the only meal offered;
- d. The number of guests served does not exceed 18; and
- e. The consumer is informed by statements contained in published advertisements, mailed brochures and placards posted at the registration area that the food is prepared in a kitchen that is not regulated and inspected by the board of health.

14. Leased Commercial Kitchens are food preparation facilities that provide kitchen space and access to professional equipment on a lease or rental basis. The lessor of a Leased Commercial Kitchen shall not rent or share the kitchen unless it has been approved to do so and has obtained a valid permit from the board of health. Each Leased Commercial Kitchen is subject to inspection and enforcement as a retail food establishment. Each lessee of a Leased Commercial Kitchen must obtain a retail or wholesale food permit from the board of health.

15. Innovative operations are non-traditional food establishments that are not listed in 105 CMR 590.008(F) (FC 8-304.25(A)(2).) Unless prohibited by 105 CMR 590.000, a board of health may approve a permit for an innovative operation, provided that it is in harmony with the general purpose and intent of 105 CMR 590.000. Each innovative operation permit shall be subject to general or specific provisions set forth by the board of health, which may impose conditions, safeguards and limitations on time or use.