

Food and Drink Rules, Food Code Updates

Below is a summary of the major changes to 9 AAC 8 Article 1 Food and Drink Rules as a result of incorporating by reference the 2017 FDA Food Code (FC) as specified.

Arizona Article 1, sections 101-108 align to the FDA Food Code Chapters 1-8 by the same name.
Arizona Article 1, sections 111-117 align to the FDA Food Code Annexes 1-7 by the same name.

<u>Arizona Rules</u>	<u>FDA Food Code</u>
R9-8-101 Purpose and Definitions	Chapter 1
R9-8-102 Management and Personnel	Chapter 2
R9-8-103 Food	Chapter 3
R9-8-104 Equipment, Utensils, and Linens	Chapter 4
R9-8-105 Water, Plumbing, and Waste	Chapter 5
R9-8-106 Physical Facilities	Chapter 6
R9-8-107 Poisonous or Toxic Materials	Chapter 7
R9-8-108 Compliance and Enforcement	Chapter 8
Table 1.1 Time-frames	
R9-8-109 (Repealed)	
R9-8-110 Mobile Food Units	
R9-8-111 Compliance and Enforcement, Annex 1	Annex 1
R9-8-112 References, Annex 2	Annex 2
R9-8-113 Public Health Reasons/Administrative Guidelines, Annex 3	Annex 3
R9-8-114 Management of Food Safety Practices, Annex 4	Annex 4
R9-8-115 Conducting Risk-based Inspections, Annex 5	Annex 5
R9-8-116 Food Processing Criteria, Annex 6	Annex 6
R9-8-117 Model Forms, Guides, and Other Aids, Annex 7	Annex 7
R9-8-118 Exempt from Regulation and Inspections	
R9-8-119 Manufactured Food Plants	

Certified Food Protection Manager Requirement, 2-102.12(A) and (B)

“The person in charge shall be a certified food protection manager...” (CFPM)

“This section does not apply to certain types of food establishments...”

Grace period until January 31, 2022 to comply. R9-8-118(E).

ANSI approved providers are listed [here](#).

Temperature Control, 3-401.13, 3-501.14, 3-501.16

Hot-holding temperature shall be 135°F or above (this was previously 130°F).

Cooling time also reflects this change, meaning it should begin at 135°F or above (not 130°F).



Time/Temperature Control for Safety Food (TCS) Replaces Potentially Hazardous Food (PHF)

"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.

See full definition of TCS in the FDA Food Code.

See Interaction Tables of pH and Aw in the FDA Food Code definitions and Annex 3.

Priority, Priority Foundation, and Core Categories

The former use of "critical" or "non-critical" has been changed to be presented as being one of the 3 categories of importance to better identify risk-based controls within the Code's provisions:

- 1. Priority (most severe):** contributes directly to the elimination, prevention or reduction to an acceptable level, hazards associated with foodborne illness or injury and there is no other provision that more directly controls the hazard.
- 2. Priority Foundation:** application supports, facilitates or enables Priority item(s)
- 3. Core (least severe):** usually relates to general sanitation, operational controls, sanitation SOPs, facilities or structures, equipment design, or general maintenance. A provision in the Code that is not designated as a Priority or Priority Foundation item.

A "P" or "Pf" designation after a (sub)paragraph indicates that the provision within that section is a Priority item or Priority Foundation item. Any unmarked provisions within a section are Core items.

Overview of Arizona 9 AAC 8 Article 1 Food and Drink Definitions, R9-8-101

In FC Part 1-2, Section 1-201.10(B), the Department:

1. Uses the word "License" in place of the word "Permit" in FDA Food Code.
 2. Uses the word "License holder" in place of the word "Permit holder" in FDA Food Code.
- ADHS modified eight (8) FDA definitions and added thirteen (13) new definitions.

Management and Personnel, R9-8-102

(B) 1. Section 2-201.12(B)(3), adds hepatitis A virus requirements specified in A.A.C. R9-6-343(B)(1) through (3).

(B) 2. Section 2-201.13(C)(2), a. Deletes "The FOOD EMPLOYEE provides to the PERSON IN CHARGE written medical documentation from a HEALTH PRACTITIONER that states the FOOD EMPLOYEE is free from Typhoid fever. P" and b. Adds Typhoid fever requirements in A.A.C. R9-6-388(A)(4)(a) and (b).

Food, R9-8-103

In FC Part 3-3, the Department:

1. In paragraph 3-301.11(B), requires employees to use “non-latex SINGLE-USE gloves.”
2. In paragraph 3-304.15(E), requires “Latex gloves may not be used in direct contact with FOOD.”

Equipment, Utensils, and Linens, R9-8-104

The Department incorporates FC Chapter 4 in whole.

Water, Plumbing, and Waste, R9-8-105

(B) In FC Part 5-1, the Department in Section 5-101.13 requires “BOTTLED DRINKING WATER used or sold in a FOOD ESTABLISHMENT shall be obtained from APPROVED sources in accordance with LAW.”

Physical Facilities, R9-8-106

Adds vending machine requirements.

(B) 1. A license holder for a VENDING MACHINE to affix to a VENDING MACHINE a permanent sign that includes: a. A unique identifier for the VENDING MACHINE, and b. A telephone number for CONSUMERS to contact the license holder.

(B) 2. A license holder operating a water vending machine shall comply with A.A.C. R18-4-216 and other applicable LAW.

Poisonous or Toxic Materials, R9-8-107

The Department incorporates FC Chapter 7 in whole.

Compliance and Enforcement, R9-8-108

Extensive changes. Includes Table 1.1, Time-frames for Application and License Renewal.

(B) In FC Part 8-3, the Department does not accept requirement in Section 8-303.30, Denial of Application for Permit, Notice.

(C) In FC Part 8-3, Section 8-302.14, the Department requires an applicant for a FOOD ESTABLISHMENT applications include: 1-4. (see Rules)

(D) In FC Part 8-3, Section 8-303.20, the Department requires a licensee for a FOOD ESTABLISHMENT license renewal include: 1-3. (see Rules)

(E) In addition to FC Part 8-3, the Department adds application and license renewal time-frame requirements: 1-8. (see Rules)

(F) In FC Part 8-4, the Department:

1. In Section 8-402.11 requires “The REGULATORY AUTHORITY to comply with A.R.S. §41-1009 when performing inspections.”
2. Does not accept requirements in: a. Section 8-402.20, Refusal, Notification of Right to Access, and Final Request for Access; b. Section 8-402.30, Refusal, Reporting; c. Section



8-402.40, Inspection Order to Gain Access; and d. Section 8-403.10, Documenting Information and Observation.

3. In Section 8-403.50 requires “A REGULATORY AUTHORITY treat the inspection report as a public document and shall make it available for disclosure to a PERSON who requests it as provided in LAW.”
4. In Section 8-404.12 requires “A REGULATORY AUTHORITY approve or deny resumption of operations within five days after receipt of the license holder’s request to resume operations.”

Repealed, R9-8-109

(vacant placeholder)

Mobile Food Units, R9-8-110

New section (see Rules)

In addition to the definitions in A.R.S. § 36-1761 and in this Article, adds ten (10) definitions specific to Mobile Food Units.

Adds nine (9) sub-sections for Mobile Food Units covering: licensing, operation, lettering, commissary agreements, classification, etc.

Annexes, R9-8-111 - R9-8-117

See Rules for changes to Annex 1. Annexes 2-7 incorporated in whole.

Exempt from Requirements and Inspections, R9-8-118

Minor terminology changes, adds a food demonstration or cooking class, and specifics for Cottage Food. Food establishments shall have until January 31, 2022 to comply with the certified food protection manager requirement specified in this Article.

Manufactured Food, R9-8-119

New section (see Rules)

When AZ creates the new state Manufactured Food Rules, this section will not be renewed.

Adds two (2) definitions specific to Manufactured Food Plants. “Consumer” and “FOOD PROCESSING PLANT”.

In FDA Food Code paragraphs 3-203.11(A) and 3-203.12(C) changes wording pertaining to MOLLUSCAN SHELLFISH and SHELLSTOCK.

Resources

[FDA 2017 Food Code](#)

[Summary of Changes In the FDA Food Code 2017](#)

[9 AAC 8 Article 1 Food and Drink Rules](#)