



CLAY COUNTY

# PUBLIC HEALTH CENTER



800 Haines Drive  
Liberty, MO 64068  
p. 816-595-4350  
f. 816-595-4394  
clayhealth.com

## Summary of Changes to the Clay County Missouri Food Code

This Summary provides a synopsis of the textual changes from the [2017 FDA Food Code](#) to the [2022 FDA Food Code](#) that Clay County proposes to adopt effective January 1, 2026. The primary intent of this record is to capture the nature of the changes rather than to identify every word or editing change. ***This record should not be relied upon as an absolute comparison that identifies every change.***

### General:

- Numerous editing changes throughout the document for internal consistency, to correct some errors in the 2017 Code and for clarification.

### Chapter 1 Purpose and Definitions

- See summary of changes in FDA Food Code 2022, Supplement to the 2022 Food Code  
**Active Managerial Control** means the purposeful incorporation of specific actions or procedures by industry management into the operation of their business to attain control over foodborne illness RISK factors. It embodies a preventive rather than reactive approach to FOOD safety through a continuous system of monitoring and verification.

**Disinfection** means the application of a substance, or mixture of substances, that destroys or irreversibly inactivates bacteria, fungi, and viruses, but not necessarily bacterial spores.

**Food Defense** is the effort to protect FOOD from acts of intentional ADULTERATION or tampering.

### Food Safety Management System

(1) **FOOD SAFETY MANAGEMENT SYSTEM** means a specific set of actions taken by the EMPLOYEE to prevent the occurrence of foodborne illness RISK factors based on the type of operation, type of FOOD preparation, and FOODS prepared within the FOOD ESTABLISHMENT.

(2) **FOOD SAFETY MANAGEMENT SYSTEM** includes written procedures, training plans, and monitoring records to control specific operational steps in a FOOD ESTABLISHMENT that contribute to foodborne illness.



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**Intervention Strategies:** Food protection activities, initiatives, or tools implemented to achieve immediate and/or long-term control of foodborne illness risk factors.

**Poisonous or toxic materials** means substances that are not intended for ingestion and are included in 5 categories:

- (1) Cleaners, SANITIZERS and DISINFECTANTS, which include cleaning, SANITIZING and DISINFECTING agents and agents such as caustics, acids, drying agents, polishes, and other chemicals;
- (2) Pesticides, except SANITIZERS and DISINFECTANTS, which include substances such as insecticides and rodenticides;
- (3) – (5) NO CHANGE

### Reduced Oxygen Packaging

(2) “Reduced oxygen packaging” includes:

- (a) – (c) NO CHANGE
- (d) Cook chill PACKAGING, in which cooked FOOD is hot filled into impermeable PACKAGING (such as a bag or film on trays) that is then sealed or crimped closed. The PACKAGED FOOD is rapidly chilled and refrigerated at temperatures that inhibit the growth of psychotropic pathogens; or
- (e) NO CHANGE

**Risk-Based Inspection:** A retail food establishment inspection that prioritizes the identification and correction of risk factors that contribute to foodborne illness.

**Tobacco Product"** has the meaning stated in the Federal Food, Drug and Cosmetic Act §201(rr) (21 U.S.C. 321(rr)).

**Water-based fire protection systems** means automatic or manual fire systems using water as a primary agent, which are used to detect, extinguish, or control a fire.

## Chapter 2. Management and Personnel

### 2-101.11 Assignment

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

### 2-102.11 Demonstration

- Added (18) Explaining steps that are taken to prevent intentional ADULTERATION by CONSUMERS, EMPLOYEES, or other PERSONS including monitoring operations, ingredients, supplies, and finished products for unusual or suspicious activities, or other FOOD DEFENSE activities. <sup>Pf</sup>

### 2-102.20 Food Protection Manager Certification

- Amended ¶¶ 2-102.20(A) & (B) to correct the title of the Conference for Food Protection Standard to remove the “s” at the end of the word ‘Standards’ so it is not indicated as a



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plural word. The correct title now reads as, '*Conference for Food Protection Standard for Accreditation of Food Protection Manager Certification Programs*'.

## 2-103.11 Person in Charge

- Amended to add new paragraph (J) to address additional duty requirement for the Person in Charge to ensure food employees are properly maintaining the temperatures of time/temperature control for safety foods during **thawing** and redesignated paragraphs (J) – (P) as new paragraphs (K) –(Q).
- Amended ¶ 2-103.11(N) (now ¶2-103.11(O) in the 2022 Food Code) to indicate what food allergy awareness includes.
- Added (R) EMPLOYEES are aware of FOOD DEFENSE, such as signs of intentional acts of ADULTERATION as it relates to their assigned duties and report suspicious activity to the PERSON IN CHARGE. <sup>Pf</sup>

## 2-201.11 Responsibility of Permit Holder, Person in Charge, and Conditional Employees.

- Amended sub¶ 2-201.11(D)(1) to remove cross reference to ¶ 2-201.12(G) to correctly indicate conditions under which the food employee should be excluded.
  - Amended sub¶ 2-201.11(D)(2) to add a cross reference to ¶ 2-201.12(G) to correctly indicate conditions under which the food employee should be restricted.
- Amend sub-¶¶ 2-201.13 (E)(1) and 2-201.13 (F)(1) and 2-201.13 (G)(1) to replace the requirement for 2 consecutive negative stool culture tests with: 2 consecutive negative laboratory test results from a validated test, using a laboratory 14 accredited or certified to handle clinical specimens as an additional option to allow for the use of culture-independent diagnostic test results to read as follows:

## Managing Exclusions and Restrictions

### 2-201.13 Removal, Adjustment, or Retention of Exclusions and Restrictions

The person in charge shall adhere to the following conditions when removing, adjusting, or retaining the exclusion or restriction of a food employee: ...NO CHANGE... Shigella spp. Diagnosis - Removing Exclusion or Restriction (E) Reinstate a FOOD EMPLOYEE who was EXCLUDED as specified under Subparagraphs 2201.12(A)(2) or (E)(1) or who was RESTRICTED under Subparagraph 2201.12(E)(2) if the PERSON IN CHARGE obtains APPROVAL from the REGULATORY AUTHORITY and one of the following conditions is met:

(1) 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 2 consecutive negative laboratory test results from a validated test, using a laboratory accredited or certified to handle clinical specimens and obtained from stool specimens that are taken:

- (a) Not earlier than 48 hours after discontinuance of antibiotics, <sup>P</sup> and
- (b) At least 24 hours apart; <sup>P</sup>



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(2) 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: <sup>P</sup> or

(3) The FOOD EMPLOYEE was EXCLUDED or RESTRICTED and did not develop symptoms and more than 7 calendar days have passed since the FOOD EMPLOYEE was diagnosed. <sup>P</sup>

## STEC Diagnosis - Removing Exclusion or Restriction

(F) Reinstate a FOOD EMPLOYEE who was EXCLUDED or RESTRICTED as specified under Subparagraphs 2-201.12(A)(2) or (F)(1) or who was RESTRICTED under Subparagraph 2-201.12(F)(2) if the PERSON IN CHARGE obtains APPROVAL from the REGULATORY AUTHORITY and one of the following conditions is met:

(1) 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 SHIGA TOXIN-PRODUCING ESCHERICHIA COLI based on 2 consecutive negative laboratory test results from a validated test, using a laboratory accredited or certified to handle clinical specimens, and obtained from stool specimens that are taken:

## Nontyphoidal Salmonella - Removing Exclusion or Restriction

(G) Reinstate a FOOD EMPLOYEE who was EXCLUDED as specified under Subparagraph 2- 201.12(A)(2) or who was RESTRICTED as specified under ¶ 2-201.12(G) if the PERSON IN CHARGE obtains APPROVAL from the REGULATORY AUTHORITY and one of the following conditions is met:

(1) 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 Salmonella (nontyphoidal) infection based on test results showing 2 consecutive negative laboratory test results from a validated test, using a laboratory accredited or certified to handle clinical specimens and obtained from stool specimens that are taken:

- (a) Not earlier than 48 hours after discontinuance of antibiotics, <sup>P</sup> and
- (b) At least 24 hours apart; <sup>P</sup> (2) The FOOD EMPLOYEE was RESTRICTED after symptoms of vomiting or diarrhea resolved, and more than 30 days have passed since the FOOD EMPLOYEE became ASYMPTOMATIC: <sup>P</sup> or (3) The FOOD EMPLOYEE was EXCLUDED or RESTRICTED and did not develop symptoms and more than 30 days have passed since the FOOD EMPLOYEE was diagnosed. <sup>P</sup>

Amend §2-304.11 to revise convention of defined terms into small caps to read as follows:

### 2-304.11 Clean Condition

FOOD employees shall wear clean outer clothing to prevent contamination of FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.

### 2-301.14 When to Wash

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

**2-401.11**

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

**2-403.11 Handling Prohibition**

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

**Chapter 3. Food****3-201.11 Compliance with Food Law**

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

**3-202.17 / 3-202.18 2017 Code Shucked Shellfish, Packaging and Identification Shellstock Identification****3-202.18 2022 Code renamed Molluscan Shellfish, Packaging and Identification**

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

**3-202.19 Shellstock, Condition 2017 Code****3-202.17 Shellstock, Condition 2022 Code**

- Amended § 3-202.19 to re-number as the new §3-202.17 to clarify flow of product from receipt through service and record keeping. Removed the term “shellfish” and replaced with “shellstock”. **3-202.19 no longer exists**

**3-203.11 Molluscan Shellfish, Original Container**

- Amended § 3-203.11 to replace the term Shellstock with Molluscan Shellfish throughout this section.
- Amended ¶ 3-203.11(B) to include language from the previous sub¶ 3- 203.12(C)(2)(b) to clarify prohibition of comingling in original containers.
- Amended ¶ 3-203.11(C) to include In-Shell Product.
- Revised new ¶ 3-203.11(E) (old ¶ (3-203.11D) to update cross-reference § 3-202.17 in sub¶¶ (E)(1)-(2) to correctly indicate § 3-202.18. • Amended ¶¶ 3-203.11(B)-(D) to renumber as new ¶¶ (C) – (E).



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### **3-203.12 Molluscan Shellfish, Maintaining Identification**

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

### **3-204**

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

### **3-204.10 Food Donation**

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

### **3-302.11 Packaged and Unpackaged Food - Separation, Packaging, and Segregation**

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

### **3-302.15 Washing Fruits and Vegetables**

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

Amend to re-designate existing ¶ 3-304.17(A) to be a new ¶ 3-304.17(C); added new ¶ 3-304.17(A); revised ¶ 3-304.17(B); and re-designated existing ¶ 3-304.17(E) to be the new ¶ 3-304.17(D) to read as follows:

### **3-304.17 Refilling Returnables**

(A) Containers may be refilled with FOOD either by a FOOD EMPLOYEE or the CONSUMER, if:

- (1) The container is designed and constructed for multiuse in accordance with the requirements specified under § 4-101.11, § 4-201.11, and 4-202.11 of this Code, and
- (2) The container is cleaned and SANITIZED following procedures as specified under § 4-601.11, § 4-602.11, § 4-701.10, § 4-702.11 and §4-703.11 of this Code prior to refilling, and,
- (3) The container is visually inspected by a FOOD EMPLOYEE to verify that the container, as returned, meets the requirements specified prior to use. <sup>Pf</sup>

(B) Except as specified in ¶ (D) of this section, containers refilled in a FOOD ESTABLISHMENT shall be refilled so that:

- (1) The container is refilled in a contamination-free transfer process; <sup>Pf</sup>
- (2) The container is handled to prevent direct contact with FOOD-CONTACT SURFACES; and <sup>Pf</sup>
- (3) FOOD-CONTACT SURFACES are cleaned as specified under Part 4-6 and SANITIZED as specified under Part 4-7 of this Code by a FOOD EMPLOYEE. <sup>Pf</sup>



(C) Containers returned to a FOOD ESTABLISHMENT for cleaning and refilling in a regulated FOOD PROCESSING PLANT shall not be refilled at a FOOD ESTABLISHMENT.  
(D) CONSUMER-owned containers that are not FOOD-specific may be filled at a water VENDING MACHINE or system.

### **3-305.12 Food Storage, Prohibited Areas**

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

Amend ¶ 3-305.12 (G) to align with 2024 International Fire Code requirements and new defined term WATER-BASED FIRE PROTECTION SYSTEMS to read as follows:

(G) Under leaking or where water is condensed on pipes, tubes, or hoses, including plumbing, heating, air conditioning and WATER-BASED FIRE PROTECTION SYSTEMS.

### **3-401.11 Raw Animal Foods**

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

### **3-401.15 NEW Manufacturer Cooking Instructions.**

- Amended to add a new § 3-401.15 addressing manufactured food cooking FDA Food instructions.

### **3-501.13 THAWING**

- Amended sub¶ 3-501.13(C)(1) to add a new cross reference under Thawing to the new § 3-401.15.
- Amended ¶¶ 3-501.13(A)-(C) to re-designate from a Core Item to a **Priority Foundation (Pf) Item.**
- Amend sub¶ 3-501.13(C)(1) to include new cross-reference to new § 3-401.15 Cooking Packaged Food and Food not Processed to Control Pathogens.  
Amend ¶ 3-501.13 (E) to align with the risk designation for ¶¶ 3-501.13 (A), (B), and (C) as an editorial update to read as follows:  
(E) REDUCED OXYGEN PACKAGED fish that bears a label indicating that it is to be kept frozen until time of use shall be removed from the reduced oxygen environment:  
(1) Prior to its thawing under refrigeration as specified in ¶(A) of this section; <sup>Pf</sup> or  
(2) Prior to, or immediately upon completion of, its thawing using procedures specified in ¶ (B) of this section. <sup>Pf</sup>

### **3-501.17 Ready-to-Eat, Time/Temperature Control for Safety Food, Date Marking**

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

**3-501.19 Time as a Public Health Control**

- Added new sub-¶¶ (B)(2)(a), (b), (c), (d) to 3-501.19(B)(2) to **address a READY- TO-EAT produce or hermetically sealed FOOD** that is rendered TIME/TEMPERATURE CONTROL FOR SAFETY FOOD upon cutting, chopping, or opening of a hermetically sealed container to begin at 21°C (70°F) or less and remain at 21°C (70°F) or less within a maximum of 4 hours.
  - **(A) (1) Obtained prior APPROVAL from the REGULATORY AUTHORITY; Pf**
- Re-designated existing ¶¶ 3-501.19(B)(2)(3) and (4) as new ¶¶ 3-501.19(B)(3)(4) and (5) respectively.

**3-502.12 Reduced Oxygen Packaging Without a Variance, Criteria.**

- Amended to add new sub¶ 3-502.12(e)(iii) to address cook chill/sous vide products cooled to 5°C (41°F) in the sealed PACKAGE or bag as specified under §3-501.14 and subsequently cooled to 1°C (34°F) and moved to 5°C (41°F) holding temperature and held for a max of 7 days.
  - **(F) (4) Obtained prior APPROVAL from the REGULATORY AUTHORITY, Pf and (a) Written procedures prepared in advance, maintained in the FOOD ESTABLISHMENT and made available to the REGULATORY AUTHORITY upon request. Pf**

**3-602.11 Food Labels**

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

**3-801.11 Pasteurized Foods, Prohibited Re-Service, and Prohibited Food**

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

**Chapter 4. Equipment, Utensils, and Linens****4-205.10 Food Equipment, Certification and Classification**

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

**4-303.11 Cleaning Agents and Sanitizer Availability**

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

**4-401.11 Equipment, Clothes Washers and Dryers, and Storage Cabinets, Contamination Prevention**

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

Amend § 4-302.14 to add new ¶ 4-302.14(B) and make existing paragraph into new ¶ 4-302.14(A) and to add in the term Disinfecting to the Tag line (title) to read as follows:

**4-302.14 Sanitizing and Disinfecting Solutions, Testing Devices**



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(A) A test kit or other device that accurately measures the concentration in MG/L of SANITIZING solutions shall be provided. <sup>Pf</sup>

Amend ¶ 4-401.11(A) to align with 2024 International Fire Code requirements and new defined term **WATER-BASED FIRE PROTECTION SYSTEMS** to read as follows:

### **4-401.11 Equipment, Clothes Washers and Dryers, and Storage Cabinets, Contamination Prevention**

(6) Under leaking or where water is condensed on pipes, tubes, or hoses, including plumbing, heating, air conditioning and WATER-BASED FIRE PROTECTION SYSTEMS;

Amend § 4-501.116 to revise the tag line (title) to include the term “**DISINFECTANT**” and to make existing paragraph a new paragraph (¶) (A) and add a new paragraph (¶) (B) to read as follows:

### **4-501.116 Warewashing Equipment, Determining Chemical Sanitizer or Disinfectant Concentration**

(A) Concentration of the SANITIZING or DISINFECTING solution shall be accurately determined by using a test kit or other device. <sup>Pf</sup>

(B) A test kit, used to determine the concentration of a SANITIZING or DISINFECTING solution shall be used in accordance with the manufacturer’s label instructions.

### **4-903.12 Prohibitions (Single Service Items)**

Amended sub¶ 4-903.12 **(A)(2) In Toilet Rooms** to revise risk designation from Core to Priority Foundation (<sup>Pf</sup>) **item.**

Amend ¶ 4-903.12 (A) to align with 2024 International Fire Code requirements and new defined term **WATER-BASED FIRE PROTECTION SYSTEMS** to read as follows:

(6) Under leaking or where water is condensed on pipes, tubes, or hoses, including plumbing, heating, air conditioning and WATER-BASED FIRE PROTECTION SYSTEMS.

Amend Chapter 4 to add a new Part 4-10 Disinfection of Equipment and Utensils to include corresponding subparts and sections to read as follows:

## **CHAPTER 4 EQUIPMENT, UTENSILS, AND LINENS**

### 4-10 Disinfection of Equipment and Utensils

#### 4-1001 Objective

#### **4-1001.11 Food-Contact, nonFood-Contact Surfaces and Utensils**

EQUIPMENT, FOOD-CONTACT SURFACES, nonFOOD-CONTACT SURFACES, and UTENSILS shall be DISINFECTED when pathogens of concern are not controlled by available SANITIZERS. <sup>P</sup>

#### 4-1002 Frequency

#### **4-1002.11 Disinfectant Use**

When pathogens of concern are not controlled by available SANITIZERS, EQUIPMENT, FOOD-CONTACT SURFACES, nonFOOD-CONTACT SURFACES, and UTENSILS shall be DISINFECTED:

(A) When contaminated with vomitus, fecal matter, blood, or any other bodily fluid that can lead to disease transmission;<sup>P</sup> or



(B) During a **FOODBORNE DISEASE OUTBREAK** or **IMMINENT HEALTH HAZARD**.<sup>P</sup>

4-1003 Methods

#### **4-1003.11 Chemical**

(A) **FOOD-CONTACT SURFACES** and **nonFOOD-CONTACT SURFACES** shall be **DISINFECTED** in accordance with the EPA-registered label use directions.<sup>P</sup>

(B) **DISINFECTANTS** applied to a **FOOD-CONTACT SURFACE** shall be rinsed with potable water, unless otherwise specified on the EPA-registered label use directions.<sup>P</sup>

## **Chapter 5. Water, Plumbing, and Waste**

### **5-202.12 Handwashing Sink, Installation**

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

### **5-203.11 Handwashing Sinks**

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

Amend ¶5-203.11(B) to revise text into stylized italics to read as follows:

#### **5-203.11 Handwashing Sinks**

(A) Except as specified in ¶¶ (B) of this section, at least 1 **HANDWASHING SINK**, a number of **HANDWASHING SINKS** necessary for their convenient use by **EMPLOYEES** in areas specified under § 5-204.11, and not fewer than the number of **HANDWASHING SINKS** required by **LAW** shall be provided.<sup>Pf</sup>

(B) If **APPROVED** and capable of removing the types of soils encountered in the **FOOD** operations involved, automatic handwashing facilities may be substituted for **HANDWASHING SINKS** in a **FOOD ESTABLISHMENT** that has at least 1 **HANDWASHING SINK**.

## **Chapter 6. Physical Facilities**

### **6-403.11**

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

### **6-501.115 Prohibiting Animals**

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

• Amended ¶ 6-501.115(A) to add a new cross reference to ¶ 6-501.115**(D)** to allow for pet dogs in outdoor dining areas, where approved.

• **(D) FOOD ESTABLISHMENTS** may allow pet dogs in outdoor dining **areas when prior APPROVAL of written procedures have been prepared in advance, are maintained in the FOOD ESTABLISHMENT and made available to the REGULATORY AUTHORITY upon request.**<sup>Pf</sup>

## **Chapter 7. Poisonous or Toxic Materials**

Amend § 7-102.11 to add the term **DISINFECTANTS** to read as follows:

**7-102.11 Common Name**

Working containers used for storing POISONOUS OR TOXIC MATERIALS such as cleaners, SANITIZERS and DISINFECTANTS taken from bulk supplies shall be clearly and individually identified with the common name of the material. <sup>Pf</sup>

Amend § 7-201.11 as small caps were inadvertently left off the defined terms to read as follows:

**7-201.11 Separation** POISONOUS OR TOXIC MATERIALS shall be stored so they cannot contaminate FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES by:

**7-202.12 Conditions of Use**

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

Amend ¶ 7-202.12 (C) as small caps were inadvertently left off the defined term RESTRICTED USE PESTICIDE to read as follows:

**7-202.12 Conditions of Use**

POISONOUS OR TOXIC MATERIALS shall be:

(C) A RESTRICTED USE PESTICIDE shall be applied only by an applicator certified as defined in 7 USC 136 Definitions, (e) Certified Applicator, of the Federal Insecticide, Fungicide, and Rodenticide Act, or a PERSON under the direct supervision of a certified applicator. <sup>Pf</sup>

**7-203.11 Poisonous or Toxic Material Containers**

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

**Chapter 8. Compliance and Enforcement****8-101.10 Public Health Protection**

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

**8-103.12 Conformance with Approved Procedures**

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

Amend ¶ 8-103.12(C) to reflect updated cross references due to the redesignations of ¶(E) and ¶(F) in § 8-201.14 in the 2022 Food Code to read as follows:

**8-103.12 Conformance with Approved Procedures**

(C) Maintain and provide to the REGULATORY AUTHORITY, upon request, records specified under ¶ 8-201.14(E) and sub¶ 8-201.14(F)(3) that demonstrate that the following are routinely employed;

- (1) Procedures for monitoring the CRITICAL CONTROL POINTS. <sup>Pf</sup>
- (2) Monitoring of the CRITICAL CONTROL POINTS, <sup>Pf</sup>
- (3) Verification of the effectiveness of the operation or process, <sup>Pf</sup> and
- (4) Necessary corrective actions if there is failure at a CRITICAL CONTROL POINT. <sup>Pf</sup>

**8-201.12 Contents of the Plans and Specifications**

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

**8-201.14 Contents of a HACCP Plan**

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

Amend to add new § 8-201.15 titled When a Food Safety Management System is Required to establish requirements for a food safety management system to read as follows:

**8-201.15 When a Food Safety Management System is Required**

(A) Within 4 years of the REGULATORY AUTHORITY'S adoption of this Code, a written FOOD SAFETY MANAGEMENT SYSTEM shall be:

- (1) Developed and maintained to ensure compliance with requirements of this Code as specified in 2-103.11.
- (2) Implemented in the FOOD ESTABLISHMENT during all hours of operation, and
- (3) Made available to the REGULATORY AUTHORITY upon request.

(B) This section does not apply to certain types of FOOD ESTABLISHMENTS deemed by the REGULATORY AUTHORITY to pose minimal RISK of causing, or contributing to, foodborne illness based on the nature of the operation and extent of the FOOD preparation.

**8-401.10 Establishing Inspection Interval**

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



CLAY COUNTY

# PUBLIC HEALTH CENTER



800 Haines Drive  
Liberty, MO 64068  
p. 816-595-4350  
f. 816-595-4394  
[clayhealth.com](http://clayhealth.com)

Amend Subpart 8-201 to add new § 8-201.16 as a reserved provision to read as follows:

**8-201.16 Contents of a food safety management system**

RESERVED.

**8-304.30 Food Employee Certificates and Terms**

(A) *Food Manager Certificate*. The certificate must be obtained by the **FOOD EMPLOYEE no later than thirty (30) days from the start of employment as a manager or PERSON IN CHARGE**. *This section does not apply to certain types of FOOD ESTABLISHMENTS deemed by the REGULATORY AUTHORITY to pose minimal risk of causing, or contributing to, foodborne*

Amended § 8-402.11 heading as the number 8 was inadvertently left off of the section number and to remove highlighted box designated for Subparts to read as follows:

**8-402.11 Allowed at Reasonable Times after Due Notice**