

2021 Kansas Food Code – Changes

Color-Coding Key

Kansas-specific changes
2011 Supplement to the 2009 Model Food Code changes
2013 Model Food Code changes
2017 Model Food Code changes
2019 Supplement to the 2017 Food Code changes

Chapter 1 Purpose and Definitions

Any terms found in applicable Kansas Statutes Annotated uses those statutory definitions as indicated.

Removed EHEC, listed as example of STEC instead.

Added new term “Intact Meat” Revised the definition of INTACT MEAT to clarify that beef products that are vacuum tumbled with solutions are not considered intact meats.

Revised the definition of MECHANICALLY TENDERIZED to be consistent with the USDA FSIS description of “mechanically tenderized” in the 2015 final rule titled Descriptive Designation of Needle- or Blade-Tenderized (Mechanically Tenderized) Beef Product (80 FR 28153). The rule established labeling requirements for raw or partially cooked mechanically tenderized beef products and clarified that products injected with a marinade or solution are considered mechanically tenderized. (CFP Issue 2018-I-013)

POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) was replaced with TIME/TEMPERATURE CONTROL FOR SAFETY FOOD. This change occurs throughout the Food Code.

Added definition for Product Assessment

Revised “Vending Machine” to be more inclusive of the diverse means of payment available. Not Applicable to Kansas – Term is defined in Statute

Chapter 2 Management and Personnel

Amended the Food Code and its Annexes, where applicable, to revise the descriptors of illness caused by Salmonella Typhi or nontyphoidal Salmonella. This change allows the use of plain language descriptors to simplify the restriction and exclusion criteria.

2-101.11

Amended Section 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. (CFP Issue 2018-I-003)

2-102.12

Added new 2-102.12 to require the Person in Charge to be a Certified Food Protection Manager. (CFP Issue 2010-II-021), (2019)

2-102.20

Revised the section to redesignate the existing paragraph into ¶(A) and adding a new ¶(B) to specify what constitutes compliance with §2-102.12. (CFP Issue 2010-II-021)

Amended paragraph 2-102.20(B) to state that it is the Person in Charge who must be a Certified Food Protection Manager to comply with Section 2-102.12.

2-103.11

Revised add new ¶(F) to address deliveries to a food establishment during non-operating hours and added new ¶(O) to specify that the development and implementation of all required procedures is to be among the expected duties of the person in charge of a food establishment and revised ¶(M) to require the person in charge to inform employees, in a verifiable manner, of requirements to report information about their health and activities as they relate to diseases transmissible through food and redesignated existing ¶(M) as new ¶(N) ; renumbered ¶¶(F) through (M) as new ¶¶(G) through (N); and updated cross reference in new ¶(L) based on changes made in §3-301.11. (CFP Issues 2010-I-011, 2010-I-022, and 2010-I-024)2009 Supplement (2011)

Amended to add new paragraph (I) to address additional duty requirement for the Person in Charge to ensure employees are routinely monitoring food temperatures during hot and cold holding and re-designate paragraphs (I)-(O) as new paragraphs (J)-(P).

2-201.11, 2-201.12, 2-201.13

Amended to add nontyphoidal Salmonella (NTS) as one of the reportable illnesses for action by the Person in Charge; Added Code language to address employee health controls for the exclusion and restriction of nontyphoidal Salmonella, and removal of exclusion and restriction from NTS.

2-201.11

Amended subparagraph 2-201.11(A)(2)(e) to add the illness, Typhoid fever, to the descriptor for reportable diagnosis of illness diagnosed due to Salmonella Typhi so that it reads: "Typhoid fever (caused by Salmonella Typhi)".

Amended subparagraph 2-201.11(A)(2)(f) to add the word, "Salmonella", to the descriptor for reportable diagnosis of illness diagnosed due to nontyphoidal Salmonella so that it reads: "Salmonella (nontyphoidal)".

Amended subparagraph 2-201.11(A)(3) to replace the phrase, "Had a previous illness" with the phrase "Had Typhoid fever" and to delete the phrase "due to Salmonella Typhi".

Amended subparagraph 2-201.11(A)(4)(c) to replace "Salmonella Typhi" with "Typhoid fever".

Amended subparagraph 2-201.11(A)(4)(d) to replace 50 days with 28 days to match model Food Code. KDHE regulations previously specified 50 days, but they have now been revised to 28.

Amended subparagraph 2-201.11(A)(5)(c) to add in descriptor text for the illness caused by Salmonella Typhi so that it reads: “. . . Typhoid fever (caused by Salmonella Typhi).”

Amended subparagraph 2-201.11(C)(2) to correctly cross-reference paragraph 2-201.13(J).

2-201.12

Amended subparagraph 2-201.12(A)(2) to replace “nontyphoidal Salmonella” with “Salmonella (nontyphoidal)”.

Amended the margin tagline for subparagraph 2-201.12(C) to replace “diagnosis or reported previous infection due to S. Typhi” with “diagnosis or reported previous illness with Typhoid fever”.

Amended paragraph 2-201.12(C) to replace “diagnosed with an infection from Salmonella Typhi” with “diagnosed with Typhoid fever, or reports having had Typhoid fever”.

Amended paragraph 2-201.12(G) to replace “nontyphoidal Salmonella” with “Salmonella (nontyphoidal)”.

2-201.13

Amended to:

revise paragraph (A) to replace “Salmonella Typhi” with “Typhoid fever”

revise subparagraph (A)(5) to replace “nontyphoidal Salmonella” with “Salmonella (nontyphoidal)”

revise the margin tag line for paragraph (C) to replace “S. Typhi diagnosis – removing exclusions” with “Typhoid fever diagnosis – removing exclusions”

revise subparagraph (C)(2) to replace “S. Typhi infection” with “Typhoid fever”

revise subparagraph (G)(1) to replace “nontyphoidal Salmonella infection” with “Salmonella (nontyphoidal) infection”

revise the margin tagline for subparagraph (J)(3) to replace “S. Typhi” with “Typhoid fever (S. Typhi)”

revise subparagraph (J)(3) to replace “S. Typhi” with “Typhoid fever (caused by Salmonella Typhi)”

2-401.13

Added new Section 2-401.13 Use of Bandages, Finger Cots or Finger Stalls

2-501.11

Added new §2-501.11 requiring written procedures for the clean-up of vomiting and diarrheal events (CFP Issue 2010-III-023) (2019)

Chapter 3 Food

3-301.11

Added new ¶(D) to specify that the prohibition of bare hand contact with ready-to-eat foods does not apply to the handling of ready-to-eat foods as they are being added as ingredients to a food that is to be cooked in the food establishment to a minimum temperature specified in the Code and redesignated existing ¶(D) as new ¶(E); updated internal cross references in ¶(B) and new subparagraph (E)(7). (CFP Issue 2010-III-013) and

(D)(2) to clarify that Paragraph (B) does not apply where a ready-to-eat food is added as an ingredient to another food that does not contain a raw animal food and the combined product will be heated to at least 63°C (145°F).

3-302.11

Added new subparagraph 3-302.11(A)(1)(c) to indicate separating raw animal foods during storage, preparation, holding and display from fruits and vegetables before they are washed and re-designated existing subparagraph 3-302.11(A)(1)(c) as new subparagraph 3-302.11(A)(1)(d).

3-401.11

Amended subparagraph 3-401.11(A)(1)(b) to include the term intact meat.

Amended subparagraph 3-401.11(A)(2) to reflect new cooking time in seconds for ratites, mechanically tenderized and injected meats, comminuted fish, comminuted meat, comminuted game animals commercially raised for food or under voluntary inspection, and raw eggs that are not prepared to a consumer's order from 15 seconds to 17 seconds.

Amended subparagraph 3-401.11(A)(3) to reflect new cooking time for poultry, baluts, wild game animals, stuffed foods or stuffing containing fish, meat, poultry or ratites from 15 seconds to <1 second (instantaneous).

Amended paragraph 3-401.11(B) by reversing the order of subparagraphs (B)(1) and (B)(2), where subparagraph (B)(2) is now subparagraph (B)(1).

3-401.13

Amended Section 3-401.13 to delete the phrase "fruits and vegetables" and replace it with the term "plant foods".

3-402.11

Amended subparagraph 3-402.11(B)(5) by italicizing the text to correctly indicate it as an exception.

3-402.12

Amended paragraph 3-402.12(C) to correctly cross reference subparagraph 3-402.11(B)(4).

3-404.11

Amended paragraph 3-404.11(A) to replace cross reference to paragraphs 8-201.14(B) to (E) with a cross reference to §8-201.14.

3-501.13

Amended ¶¶'s 3-501.13(A)-(C) to re-designate from a Core Item to a Priority Foundation (Pf) Item. (CFP Issue 2016-I-033)

Amended to add new ¶(E) specifying frozen fish packaged using a ROP method be removed from the ROP environment either prior to initiating thawing procedures under refrigeration as specified in ¶ (A) or prior to, or immediately upon completion of, its thawing using procedures specified in ¶ (B) of this section.

3-501.17

Amended ¶ 3-501.17(B) add the time/temperature limits directly rather than referencing ¶(A).

Amended to add new ¶(F) that exempts raw, live in-shell molluscan shellfish from date marking and re-designated former ¶(F) as new ¶(G).

Amended existing subparagraph 3-501.17 (F)(6) to clarify that the exemption from date marking for shelf stable dry fermented sausages produced in USDA-regulated facilities is not dependent on the product retaining the original casing; Renumbered existing ¶(F)(6) as new ¶(G)(6) as a result of the addition of new ¶(F).

3-501.18

Amended subparagraph 3-501.18(A)(3) by deleting the term “appropriately” and replacing it with “inappropriately”.

3-501.19

Amended subparagraph 3-501.19(A)(1)(a) to add a missing cross reference to subparagraph 3-501.19(B)(4) in order to correctly reference subparagraphs 3-501.19(B)(1)-(4).

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

Re-designated existing ¶¶'s 3-501.19(B)(2)(3) and (4) as new ¶¶'s 3-501.19(B)(3)(4) and (5) respectively. (CFP Issue 2018-III-019)

3-502.11

Amended to revise ¶(D) to make clear that only TCS foods prepared under ROP methods that do not control for growth of and toxin formation by *Clostridium botulinum* and the growth of *Listeria monocytogenes* require a variance.

3-502.12

Amended ¶¶3-502.12(B), (D), and (E) lead-in paragraphs to reference new ¶ (F) of this section.

Amended ¶3-502.12(B) lead in paragraph and subparagraphs (B)(6)(c), (D)(1), and (E)(2) to reference ¶8-201.14(B) along with existing reference to ¶ (D).

Amended subparagraphs 3-502.12(B)(3)(b) and (B)(4) to delete 14 days and add 30 days.

Amended paragraph 3-502.12(B) and subparagraphs (B)(6)(c), (D)(1), and (E)(2) to replace cross reference to paragraphs 8-201.14 (B) and (D) with a cross reference to paragraphs 8-201.14 (C) and (D).

Amended ¶ 3-502.12(B) to add new subparagraph 7 specifying that a HACCP plan be provided to the regulatory authority prior to implementation.

Amended paragraph 3-502.12(C) to add in additional exception criteria for fish that is reduced oxygen packaged at retail to bear a label indicating that it is to be kept frozen until time of use.

Amended ¶3-502.12(D) lead in paragraph to delete the word “FOOD” and replace it with the term “Time/Temperature control for safety food” to clarify that this section applies to TCS food.

Amended subparagraph 3-502.12(D)(2)(b) to specify only the cooking parameters in ¶¶ 3-401.11(A), (B) and (C) apply.

Amended subparagraph 3-502.12(D)(2)(e)(ii) to allow for cold holding at 41°F for 7 days after cooling to 41°F.

Amended to add new sub¶ (D)(2)(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. (CFP Issue 2018-III-016)

Amended to add new ¶(F) to identify the conditions under which a HACCP Plan is not required for ROP TCS foods.

3-602.11

Amended ¶ (A) to add allowance for labeling information for foods packaged (includes repackaging) in the store to be provided in pamphlets, booklets, or similar written form upon request of the consumer.

Amended subparagraph (B)(6) to account for labeling exemptions in the Federal FD&C act.

Amended ¶ (D) to add commas to clarify that the foods listed are examples, not an exhaustive list.

3-801.11

Amended subparagraph 3-801.11(A)(3) to replace cross reference to paragraphs 8-201.14 (B)-(E) with a cross reference to paragraphs 8-201.14 (C)-(E).

Chapter 4 Equipment, Utensils, and Linens

4-205.10

Amended §4-205.10 to clarify that EQUIPMENT that has been certified for conformance to an appropriate American National Standard is deemed to comply with the EQUIPMENT sanitation provisions contained in Parts 4-1 and 4-2. (CFP Issue 2018-I-007)

4-303.11

Amended to add new Section 4-303.11 Cleaning Agents and Sanitizers, Availability, to require that equipment and utensil cleaning agents and sanitizers be provided and readily accessible for use.

4-502.13

Amended ¶ (A) to specify that single-service and single-use articles must not be used if they may have become contaminated.

Chapter 5 Water, Plumbing, and Waste

5-203.11

Amended ¶(B) to clarify that automatic handwashing facilities are included in the definition of handwashing sink.

Amended §5-203.11 to delete “¶(C)” and remove any reference to “¶(C)” in this section. (CFP Issue 2018-III-026)

5-402.11

Added ¶(C) from model that was not previously adopted and modified model language to include warewashing sinks in the allowance for direct drain connections when certain safety conditions are met. This improves alignment with model plumbing codes.

5-402.13

Amended to clarify intent that the requirement prevents imminent health hazards from improper sewage disposal.

Chapter 6 Physical Facilities

Added new ¶ (D) to 6-501.115 to allow dogs in exterior areas of the premises provided certain requirements are met. The requirements were contained in variance request template that KDA developed after reviewing requirements of various other jurisdictions nationwide.

Chapter 7 Poisonous or Toxic Materials

7-201.11

Consolidated all chemical storage requirements under one Section, eliminating unnecessary division for chemicals held for retail sale.

7-202.12

Amended subparagraph (B)(2) to reflect that pesticide use precautions should be applied to all pesticides used in Food Establishments, not just Restricted Use Pesticides. This harmonizes with Federal and State pesticide use laws.

7-203.11

Amended to prohibit food contact items from being stored in container previously used with poisonous or toxic materials.

7-204.12

Amended paragraph 7-204.12(A) to re-designate it as the lead in paragraph for this section.

Amended subparagraphs 7-204.12(A)(1)-(4) by re-designating them as paragraphs 7-204.12(A)-(D) in order to be inclusive of all washing chemicals and antimicrobial agents that may be used in the washing and treatment of produce as specified in 21 CFR 173.

Deleted existing paragraph 7-204.12(B) – regarding Ozone.

7-206.12

Amended to harmonize with pesticide laws to limit when rodent bait is required to be placed in tamper-resistant bait stations.

7-3

Moved storage/display requirements from a standalone Part into 7-201.11

Chapter 8 Compliance and Enforcement

8-103.12

Amended paragraph 8-103.12(B) to replace existing cross reference to paragraphs 8-201.14 (D) and (E) with a cross reference to paragraph 8.201.14 (D) and subparagraph (E)(3).

8-201.14

Amended to:

- add new paragraph (A) to add a new specification for the permit holder or permit applicant to include general information with the HACCP plan submission;
 - add a new paragraph (F) that is not a new requirement within §8-201.14, but rather clarifies what was already required under the previous paragraph (E). This new paragraph (F) requires the permit holder to include any other application or submission information required by the regulatory authority;
 - delete paragraph (C) and move the food employee and supervisory training plan provision to new paragraph (E);
 - redesignate existing paragraph (A) as new paragraph (B) where the intent of paragraph (B) remains the same, although the paragraph was revised to remove the list of examples;
 - redesignate existing paragraph (B) (flow diagram) as new paragraph (C) which keeps its original intent, and includes a more descriptive list of what the flow diagram should include;
 - revise subparagraph (D)(3) to clarify that a food employee or person in charge may monitor critical control points;
 - revise subparagraph (D)(5) to clarify that a person in charge, or a food employee, may be responsible for taking corrective action when a critical limit is not met; and
 - revise paragraph (E) to incorporate the food employee and supervisory training plan from deleted paragraph (C) and included a new requirement for the permit holder's or permit applicant's HACCP plan submission to incorporate copies of blank records forms necessary for implementation of the HACCP Plan.
- Delete sub¶ (C)(2) and add as new sub¶ (E)(2) that speaks to significant hazards for each critical control point
 - Delete sub¶¶'s (C)(4-5) and merge into newly revised ¶ (D) to highlight documents that should be submitted as a separate document

- Redesignate existing ¶(D) as the new ¶(E)
- Redesignate existing sub¶(D)(5) as the new sub¶(E)(5) and switched former¶(E)(4) to follow, so the sequence in new sub¶(E) now follows the sequence of the HACCP Principles of monitoring, corrective actions and verification, where the subparagraphs are now sequenced as :
 - (E)(4) establish monitoring procedures,
 - (E)(5) establish corrective actions,
 - (E)(6) establish verification procedures.
 - Redesignated existing ¶(E) as new ¶(F) and existing ¶(F) as new ¶(G)

8-404.11

Amended by adding subparagraphs 8-404.11(C)(1)-(3) as new exception criteria indicating that the regulatory authority may agree to continuing operations during an extended water or electrical outage if written operational plans have been approved by the regulatory authority.