2022 Kansas Food Code – Changes Effective June 2, 2023

# 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, sometimes referred to as TCS 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

Removed term VARIANCE and replaced with “equivalent operating plan” at direction of the Office of the Kansas Attorney General

# Chapter 2 Management and Personnel

Amended the Food Code 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)

## 2-103.11

Amended §2-103.11 to add new ¶ (F)-Verifying food condition at receiving; modified current (M)-Verifiable method of requirement to report illness-and redesignated as (O); added (P)-maintaining and implementing required written procedures and plans.

Amended to add new ¶ (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 redesignate ¶¶ (I)-(O) as ¶¶ (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 language to address employee health controls for the exclusion and restriction of NTS and removal of exclusion and restriction from NTS.

## 2-201.11

Amended sub ¶ 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 sub ¶ 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 sub ¶ 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 sub ¶ 2-201.11(A)(4)(c) to replace “Salmonella Typhi” with “Typhoid fever”.

Amended sub ¶ 2-201.11(A)(4)(d) to replace 50 days with 30 days to match model Food Code.

Amended sub ¶ 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 sub ¶ 2-201.11(C)(2) to correctly cross-reference ¶ 2-201.13(J).

## 2-201.12

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

Amended the margin tagline for sub ¶ 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 ¶ 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 ¶ 2-201.12(G) to replace “nontyphoidal Salmonella” with “Salmonella (nontyphoidal)”.

## 2-201.13

Revised ¶ (A) to replace “Salmonella Typhi” with “Typhoid fever”

Revised sub ¶ (A)(5) to replace “nontyphoidal Salmonella” with “Salmonella (nontyphoidal)”

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

Revised sub ¶ (C)(2) to replace “S. Typhi infection” with “Typhoid fever”

Revised sub ¶ (G)(1) to replace “nontyphoidal Salmonella infection” with “Salmonella (nontyphoidal) infection”

Revised the margin tagline for sub ¶ (J)(3) to replace “S. Typhi” with “Typhoid fever (S. Typhi)”

Revised sub ¶ (J)(3) to replace “S. Typhi” with “Typhoid fever (caused by Salmonella Typhi)”

## 2-301.13

Deleted former 2-301.13 Special Handwash Procedures – Reserved and renumbered remaining sections and deleting 2-301.16:

|  |  |  |
| --- | --- | --- |
| Section | 2009 Kansas Food Code | 2022 Kansas Food Code |
| 2-301.13 | Special Handwash Procedures | When to Wash |
| 2-301.14 | When to Wash | Where to Wash |
| 2-301.15 | Where to Wash | Hand Antiseptics |
| 2-301.16 | Hand Antiseptics | Deleted |

## 2-401.13

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

## 2-501.11

Added Section 2-501.11 to require procedures for the clean-up of vomiting and diarrheal events.

Required to have written procedures for the clean-up of vomiting and diarrheal events.

# 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 sub ¶ (E)(7). (CFP Issue 2010-III-013) and

(D)(2) to clarify that ¶ (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 sub ¶ 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 redesignated existing sub ¶ 3-302.11(A)(1)(c) as new sub ¶ 3-302.11(A)(1)(d).

## 3-401.11

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

Amended sub ¶ 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 to align with USDA-FSIS requirements.

Amended sub ¶ 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) to align with USDA-FSIS requirements.

Amended ¶ 3-401.11(B) by reversing the order of sub ¶¶ (B)(1) and (B)(2), where sub ¶ (B)(2) is now sub ¶ (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 sub ¶ 3-402.11(B)(5) by italicizing the text to correctly indicate it as an exception.

## 3-402.12

Amended ¶ 3-402.12(C) to correctly cross reference sub ¶ 3-402.11(B)(4).

## 3-404.11

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

## 3-501.13

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) TO 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 redesignated former ¶ (F) as new ¶ (G).

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

## 3-501.19

Amended sub ¶ 3-501.19(A)(1)(a) to add a missing cross reference to sub ¶ 3-501.19(B)(4) to correctly reference sub ¶¶ 3-501.19(B)(1)-(4).

## 3-502.11

Amended to revise ¶ (D) to clarify an equivalent operating plan is only required for TCS FOODS prepared under ROP methods other than those described in 3-502.12.

## 3-502.12

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

Amended ¶3-502.12(C) to add requirement for FISH that is packaged in ROP 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 ¶ 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 sub ¶ 3-502.12(D)(2)(b) to specify only the cooking parameters in ¶¶ 3-401.11(A), (B) and (C) apply.

Amended sub ¶ 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 ¶ (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 sub ¶ (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 and not an exhaustive list.

## 3-801.11

Amended sub ¶ 3-801.11(A)(3) to replace cross reference to ¶¶ 8-201.14 (B)-(E) with a cross reference to ¶¶ 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 Subpart 4-303 Cleaning Agents and Sanitizers and 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 Food Code 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 taken from a variance request template that KDA developed after reviewing requirements of various other jurisdictions nationwide. NOTE: Kansas Statutes Annotated 41 as amended by 2023 House Bill 2059 provides that licensees may choose to allow dogs in indoor non-prep areas of microbreweries and outdoor non-prep areas of all FOOD ESTABLISHMENTS if the specified precautions are taken.

# 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 sub ¶ (B)(2) to reflect that pesticide use precautions apply 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 ¶ 7-204.12(A) to redesignate it as the lead in ¶ for this section.

Amended sub ¶¶ 7-204.12(A)(1)-(4) by redesignating them as ¶s 7-204.12(A)-(D) 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 ¶ 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 ¶ 8-103.12(B) to replace existing cross reference to ¶¶ 8-201.14 (D) and (E) with a cross reference to ¶ 8-201.14 (D) and sub ¶ (E)(3).

## 8-201.14

Amended to:

* add new ¶ (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 ¶ (F) that is not a new requirement within §8-201.14, but rather clarifies what was already required under the previous ¶ (E). This new ¶ (F) requires the permit holder to include any other application or submission information required by the regulatory authority;
* redesignate former ¶ (A) as new ¶ (B) where the intent of ¶ (B) remains the same, although the ¶ was revised to remove the list of examples;
* redesignate former ¶ (B) (flow diagram) as new ¶ (C) which keeps its original intent, and includes a more descriptive list of what the flow diagram or flow chart needs to include;
* revise sub ¶ (E)(3) [formerly (D)(3)] to clarify that a FOOD EMPLOYEE or PERSON IN CHARGE may monitor critical control points;
* revise sub ¶ (E)(5) [formerly (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 ¶ (E) to incorporate the FOOD EMPLOYEE and supervisory training plan from deleted ¶ (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.
* redesignate former ¶ (D) as the new ¶ (E)
* redesignate former ¶ (E) as new ¶ (F)

NOTE: ¶ (C)(5) should have been designated ¶ (D)

## 8-404.11

Amended by adding sub ¶¶ 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 in advance by the regulatory authority and the regulatory authority is notified if the plans are implemented.