

## Chapter H 98

## VENDING OF FOODS AND BEVERAGES

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**H 98.01 Definitions.** In addition to those definitions prescribed in s. 50.50, Stats., the following shall apply in the interpretation and the enforcement of this chapter:

(1) **FOOD.** The term "food" shall mean any raw, cooked or processed edible substance, beverage or ingredient used or intended for use in whole, or in part, for human consumption.

(2) **CLOSED.** "Closed" shall mean fitted together snugly leaving no openings large enough to permit the entrance of vermin.

(3) **ADULTERATION.** "Adulteration" of food exists:

(a) If it bears or contains any poisonous or deleterious substance which may be injurious to health.

(b) If it bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established by regulation, or in excess of such tolerance if one has been established.

(c) If it consists in whole or in part of any filthy, putrid or decomposed substance, or if it is otherwise unfit for human consumption.

(d) If it has been prepared, packed or stored under insanitary conditions whereby it may have become contaminated with filth or rendered injurious to health.

(e) If the container is composed in whole or in part of a poisonous or deleterious substance which may render the contents injurious to health.

(4) **MILK AND MILK PRODUCTS.** "Milk and milk products" are Grade A milk and Grade A milk products.

(5) **READILY PERISHABLE FOODS.** The term "readily perishable foods" shall mean any food or beverage or ingredients consisting in whole or in part of milk, milk products, synthetic custards, eggs, meat, fish, poultry, or other food capable of supporting rapid and progressive growth of mi-

croorganisms which can cause food infections or food intoxication. However, products in hermetically sealed containers processed to prevent spoilage and dehydrated, dry or powdered products so low in moisture content as to preclude development of microorganisms are excluded from the terms of this definition.

(6) **HOT LIQUID FOOD OR BEVERAGE.** The term "hot liquid food or beverage" shall mean liquid food or beverage, the temperature of which at the time of service to the consumer is at least 150° F.

(7) **SINGLE-SERVICE ARTICLE.** "Single-service articles" shall mean cups, containers, lids, or closures; plates, knives, forks, spoons, stirrers, paddles; straws, place mats, napkins, doilies, wrapping material; and all similar articles which are constructed wholly or in part from paper, paperboard, molded pulp, foil, wood, plastic, synthetic or other readily destructible materials, and which are intended by the manufacturers and generally recognized by the public as for one usage only, then to be discarded.

(8) **FOOD CONTACT SURFACES.** "Food contact surfaces" shall mean those surfaces of equipment and utensils with which food normally comes in contact and those surfaces with which food may come in contact and drain back onto surfaces normally in contact with food.

(9) **SEALED.** "Sealed" shall mean free of cracks or other openings which permit the entry or passage of moisture.

**History:** Cr. Register, July, 1964, No. 103, eff. 8-1-64; am. (intro.), Register, November, 1980, No. 299, eff. 12-1-80.

**H 98.02 Approval of vending machines and related equipment. CERTIFICATION.** (1) All vending machines and related equipment used at a vending machine location shall be certified by:

- (a) The department, or
- (b) An agent of the department designated as provided for under s. 50.57, Stats., or
- (c) A testing laboratory approved by the department.

(2) **APPROVED TESTING LABORATORIES.** Testing laboratories approved by the department are the National Sanitation Foundation and those laboratories participating in the National Automatic Merchandising Association Vending Machine Evaluation Program and such other testing laboratories as the department shall designate.

(3) **DATE OF COMPLIANCE.** Vending machines and related equipment licensed by the department prior to January 1, 1965 shall be permitted until July 1, 1969 to comply with these regulations, unless the type, design, construction or installation constitutes a serious public health hazard.

(4) **CERTIFICATION PRIOR TO LICENSING AND USE.** Vending machines and related equipment not licensed prior to January 1, 1965 must be certified by the department, or by a designated agent of the department or by a testing laboratory approved by the department prior to their licensing and use. Vending machines found to be in violation to these require-

ments shall be placed in a nonvend position by using the procedure established in Wis. Adm. Code section H 98.03 (2).

(5) **MACHINE DESIGN AND CONSTRUCTION.** The department and its designated agents shall use Wis. Adm. Code section H 98.02 (5) as a guide in certifying vending machines as to type, design, construction and installation of equipment which has not been certified by a testing laboratory approved by the department.

(a) *Temperature requirements; readily perishable food machines.* 1. Refrigeration and heating units. Vending machines storing and dispensing readily perishable foods shall have adequate refrigerating and/or heating units and insulation to maintain cold foods at 40° F. or less and hot foods at 150° F. or more under high and low temperature ambients, as applicable, in the use environment.

2. Refrigerated unit testing. The ambient test temperature for refrigerated, readily perishable food vending machines shall be 105° F. for 24 hours, during which time the product shall maintain a temperature which does not exceed 40° F.

3. Heated unit testing. The ambient test temperature for heated, readily perishable food vending machines shall be 50° F. for 24 hours, during which time the product storage compartment shall maintain a temperature not less than 150° F.

4. Temperature controls. Temperature controls shall be provided to make the vending mechanism inoperative until serviced by the operator whenever the temperature of the area in which the food is stored goes above 45° F. or below 150° F., whichever is applicable; provided, however, that such controls may permit no longer than a maximum recovery period of 30 minutes immediately following filling and servicing operations. Such controls shall place the machine in an inoperative condition in the event of power failure or other condition which permits the warmest or coldest part of the food storage area to attain a temperature above 45° F. or below 150° F., whichever is applicable.

5. Location of manual reset. The manual reset device for the vending mechanism shall be readily accessible to the employe and located inside the vending machine cabinet or inside a locked integral cabinet enclosure so that only an employe can reactivate the machine.

6. Thermometers. A thermometer, with an accuracy of + or - 2° F. shall be visible to the employe and shall be provided in the food storage compartment of vending machines dispensing readily perishable foods to measure the air temperature of the food storage compartment.

7. Auxiliary heating or cooling. Readily perishable foods in pipes, fittings, tubes or dispensing devices outside the effective heating or refrigerating compartment of the vending machine shall be maintained at required temperatures. If necessary, effective auxiliary means of heating or cooling shall be employed.

(b) *Type of materials.* The type, gauge and durability of all materials used in the construction of vending machines and integral parts shall be such as to provide a machine of sturdy construction, easily cleanable and capable of withstanding:

1. The effect of the environment under normal use conditions;
2. Corrosive action caused by repeated cleaning and polishing using normal procedures;
3. Corrosive action of foods or beverages to be dispensed, where foods or beverages come into normal contact with the material;
4. Normal wear from product vending, field servicing and field or shop maintenance; and,
5. Penetration of the exterior barrier materials by vermin.

(c) *Exterior design and construction.* 1. Design and fabrication. The vending machine cabinet shall be designed and fabricated in such a manner as to protect food and beverages from contamination by insects, rodents, dust, dirt or moisture seepage as may be encountered under the intended use environment, and shall be easily cleaned.

2. Joining and fastening. All exposed joints, seams and edges in cabinets and integral parts shall be welded, soldered, fastened, trimmed, filled, gasketed or hinged in a manner consistent with good engineering, manufacturing and sanitation practices.

3. Cabinet doors, panels and access openings. a. General features. All cabinet doors and other closures opening directly into the food or food container storage compartment shall be constructed and mounted in such a manner as to maintain alignment and closure under use conditions, sufficient to preclude the entry of seepage, dirt, insects and rodents. Gasketing shall be provided if necessary. For all bulk-type vendors all bottom tracks and guides for doors shall be built in such a manner as to minimize the collection of food particles and other foreign matter; and shall be shallow and wide enough to be easily cleanable. All side tracks and guides shall be removable for cleaning and shall be easily cleaned or shall be made shallow and wide enough to be easily cleaned. A 1/16" minimum radius shall be used at the root of all channel sections, if such channel sections are not easily removable for cleaning.

b. Horizontal or sloping doors and lids. Such doors and lids opening directly into food or food container compartments shall be constructed and mounted to minimize the entry of dust and foreign matter from the door or lid into product areas when the door or lid is opened for product loading or delivery. If necessary, flanges or other diversion devices shall be used at the hinge line to provide protection to interior product areas.

c. Product vend openings; bulk product machines. All customer service openings to the delivery chute, tube and orifice of all bulk food and bulk beverage vending machines shall be designed and constructed in such manner as to minimize the entry of dust, seepage and other contaminants and to protect against the entry of insects and rodents. Such openings shall be designed and constructed to minimize customer handling of bulk food contact surfaces or cup rim contact surfaces. The vending stage of all bulk food and beverage vending machines shall be equipped with a self-closing door.

4. Ventilation openings. a. Screening required. All ventilation openings into vending machines shall be effectively screened and shall be cleanable. Screening may have openings between cross wires not to ex-

ceed 16 mesh to the inch. Screening material for openings into condenser units which are separated from food and container storage space shall be not less than 8 mesh to the inch or equivalent. Perforated sheet metal or other means or materials with equivalent cleaning and insect and rodent exclusion properties are acceptable.

b. Louvers and flaps. Louvers or flaps where used, shall be separated sufficiently to facilitate periodic removal of accumulated dust and dirt by the use of brushes, vacuum or other cleaning method. Louvers and flaps shall not face upward.

c. Screening exemption. Static or nonforced air condensing units may be mounted on the cabinet exterior when they do not create potential insect or rodent harborage and shall not require screening.

5. Separation of condensing unit. In vending machines in which a condensing unit is an integral part of the machine, such unit shall be closed with a solid barrier from the product and container storage spaces. This shall not prohibit the use of drain tubes from the product storage compartment. Where a refrigeration compartment drain tube extends through the cabinet exterior, a 16 mesh screen shall be installed in the tube.

6. Cabinet elevation and movability. a. Access for cleaning. Unless the vending machine is designed to be sealed to the floor so as to prevent seepage underneath, or is light enough to permit its being moved by one man, one or more of the following provisions shall be utilized to facilitate cleaning operations: the machine shall be mounted on legs 6 inches or more in height to provide an unobstructed space below, or, the machine shall be mounted on casters, rollers or gliders which permit its being moved by one person.

b. Legs and feet. Where legs and feet are used for cabinet elevation, the material and design employed shall provide ample support with a minimum of cross bracing. Legs and feet shall be so fastened to the cabinet and shaped at floor contact to permit cleaning. All hollow leg sections shall be closed. Where legs and feet are made adjustable, they shall be of simple design. Legs shall have no exposed internal angles.

c. Kick plates. If kick plates are provided on machines in Wis. Adm. Code section H 98.02 (5) (c) 6. a., they shall be built so that they can be readily removed or opened to permit access to the space beneath for inspection and cleaning.

d. Counter units. Vending machines designed to be mounted on counters or tables shall conform to applicable provisions of Wis. Adm. Code section H 98.02 (5) (c), except that units which can be manually moved with ease need not be sealed to the counter or table or mounted on legs. Equipment designed to be mounted on legs shall provide a clear space, between the lowest horizontal member of the unit and the counter or table top equivalent to 1/16 of the maximum depth of the area to be cleaned. Provided, however, that in no case shall the leg height be less than 4 inches.

7. Service connections. a. Utility openings. All service connections through an exterior wall of the machine, including water, gas, electrical and refrigeration connections, shall be grommeted or closed to prevent the entry of insects and rodents.

b. Closing methods. Grommets, clamps or other effective closures may be used. Where the opening is not used until the point of installation, the closure may be shipped with the machine in packet form rather than in the installed position.

c. Shipping bolt holes. Where shipping bolt holes are used, such holes shall be closed by use of grommets, durable tapes or reusable bolts provided by the manufacturer. Such closures shall be easily identifiable or adequately described in the instruction manual for their intended use.

d. Miscellaneous openings. Miscellaneous openings into the cabinet, through the cabinet wall other than coin entrance, coin returns and crown pullers, but including those for optional service connections or alternate installations shall be provided with effective closures by the manufacturer. Such closures shall be provided for such not-in-use openings, and shall be easily identifiable, properly marked or adequately described in the instruction manual for their intended use.

e. Disconnection safeguards. All service connections to utilities, including water, gas, electric, and refrigeration, shall be of a type which will discourage their unauthorized or unintentional disconnection.

(d) *Interior design and construction.* 1. Design and fabrication. The design and fabrication of the interior vending machine cabinet shall be such as to be easily cleanable, minimize inaccessible areas and provide protection of vended foods against contamination.

2. Materials. a. Product contact. Materials used as product contact surfaces shall be smooth, durable, nontoxic, corrosion resistant, relatively nonabsorbent and shall be capable of withstanding repeated cleaning and sanitizing treatment by normal procedures. Such materials used as product contact surface shall not result in adulteration of the product under conditions of use and shall not contribute off odors or flavors to food products used in contact with materials.

b. Nonproduct contact. Materials used as nonproduct contact surfaces shall be relatively smooth, relatively nonabsorbent and capable of withstanding repeated cleaning by normal procedures. Materials in contact with packaged products shall resist harmful physical and chemical changes resulting from storage compartment temperatures, humidity, product loading and vending. Changes in color caused by heat and similar changes which do not create adulteration or cleaning problems are not intended for coverage under this interpretation.

3. Finishing. a. Product contact surfaces. The finish of all product contact surfaces shall be smooth, easily cleanable, corrosion resistant, nontoxic and relatively nonabsorbent. Paint, enamel and similar substances shall not be used as a finish on product contact surfaces. This shall not prohibit future consideration of coatings presently available, or which may be developed through advance technology.

b. Nonproduct contact surfaces. Paint, enamel, plastic coating materials, and equivalent finishes, may be applied to nonproduct contact surfaces to improve their cleanability or prevent corrosion. Non-wearing, non-corrosion-resistant surfaces shall be rendered corrosion-resistant by the application of such finishes. Surfaces to be so finished shall be properly prepared to effect satisfactory bonding. Surface coatings used

shall, under normal use, prevent chipping or flaking into product dispensing zones.

4. Fabrication and assembly. a. Product contact surfaces. All product contact surfaces of vending machines shall be smooth, free from breaks, corrosion, open seams, cracks, crevices and chipped places. The design of such surfaces shall be such as to preclude routine contact between food and v-type threaded surfaces. Welded and soldered areas shall be made smooth and resistant to corrosion. Solder, if used, shall contain a minimum amount of lead and zinc and no other toxic materials such as antimony or cadmium. Whenever solder or weld metal are used for filled material to make or fill seams, or to round out angles or corners, it shall be securely bonded to the adjoining material so that it will not chip or crack, and the resulting surface shall be made smooth. An internal angle formed by an intersection of surfaces shall have an easily cleanable continuous radius.

b. Product containers, pipes and fittings; not circulation cleaned. All containers, valves, tubing, pipes, fittings, chutes, faucets and discharge nozzles which are in contact with food shall be removed and easily cleanable or constructed in such a manner as to be effectively cleaned in place. The openings into all nonpressurized containers used for the storage of vendible foods and ingredients shall be provided with covers which prevent contamination from reaching the interior of the containers. Covers shall be designed to provide a flange which overlaps the opening, and shall be sloped to provide drainage from the cover surfaces. Covers shall be considered sloped to provide drainage from the cover surface if domed, curved or angled above the horizontal rim line of the container, or if the cover is slanted or tilted in its normal operational position to a degree necessary to minimize the collection of liquid spillage or condensation. Covers shall be designed with sufficient clearance so as not to extend into the foods which they cover. Where covers are in sections, flanges should overlap at joints and be constructed to prevent the entrance of condensation or other contaminants into the food storage area. Hinges or pivots on covers shall be designed to be easily cleanable. Any port opening through the cover shall be flanged upward at least 3/16 inch and shall be provided either with a cover which overlaps the flange or is made moisture-tight by a mating part. Condensation or drip deflecting aprons shall be provided on all piping, thermometers, equipment, rotary shafts and other functional parts extending into the container, unless a watertight joint is provided. Such aprons shall be considered as satisfactory covers for those openings which are in continuous use. Gaskets, if used, shall be of a material which is nontoxic, relatively stable and relatively nonabsorbent, and shall have a smooth easily cleanable surface. All gasket retaining grooves shall be easily cleanable.

c. Circulation cleaned pipes and tubes. In machines of such design that product contact pipes or tubing are not readily removable, in-place cleaning of such pipes and pipe fittings may be permitted; provided (a) they are so arranged that cleaning and bactericidal solutions can be circulated throughout the fixed system, (b) such solutions will contact all interior surfaces, (c) the system is self-draining or otherwise completely evacuated, and (d) the cleaning procedures result in thorough cleaning of the equipment.

d. Delivery tubes, chutes and orifices. The delivery tube or chute and orifice of all bulk and bulk beverage vending machines shall be protected from normal manual contact. Protection of bulk food and bulk beverage product delivery tubes, chutes and orifices may be accomplished by one or more of the following: recessing or elevating the orifice to minimize the possibility of normal manual contamination; placing vending stage components such as baffles or drip aprons in such a manner as to afford effective protection; or, employing other means demonstrated to be satisfactory.

e. Design of bulk product vending stage. The design of the vending stage area shall be such as to divert condensation or other moisture (nonproduct) from the normal filling position of the container receiving the food or beverage. The vending stage shall be constructed so as to be free from open seams, and shall be easily cleanable, readily removable or readily accessible for cleaning and inspection.

f. Nonproduct contact surfaces. The non-product contact surfaces of the interior of vending machines shall be so designed and constructed as to permit the removal of soil from such surfaces to which they may be subjected during normal operation. Where food soil, splash, spillage or waste may be deposited or adhere to the surface, such surface shall be capable of being wet cleaned. Where dust, dry food or dry ingredient materials, may collect but not adhere to a surface, such surfaces shall be capable of being dry cleaned. All exposed joints and seams in interior cabinet areas which in normal vending and servicing operation are subject to product spillage shall be sealed or constructed so as to be accessible for cleaning and to facilitate maintenance operations. Solder, if used, may be of any commercial grade. Screws, rivets, nuts and bolts, metal clips and similar devices may be used in joining nonproduct contact surfaces. Projecting fasteners or devices should be minimized in areas subject to normal splash or spillage and shall be cleanable. Durable pressure sensitive tapes may be used to cover joints and seams. Mastic-type compounds, solder and other effective fillers which form a secure durable bond with the adjoining material may be used to fill joints and seams. Angles, channels, gussets or hollow sections shall be installed in such a way as to minimize the accumulation of dirt, spillage or waste materials. Reinforcing and framing members shall be located and attached in such a manner as to be cleanable. Wood members shall not be used unless they are suitably protected against the entry of liquids. Gaskets used to effect a tight fit between interior doors, lids or panels and opponent surfaces shall be made of resilient material and shall be relatively stable and relatively nonabsorbent. Exposed surfaces of gaskets subject to splash or spillage in normal operation shall be cleanable. Gasket retaining grooves for removable gaskets shall be easily cleanable. Hollow or spongy-center gaskets shall be sealed where exposed to splash or spillage in normal operation. Piano-type hinges are acceptable only in applications where such hinges are not subject to food splash or spillage during normal operation. All tracks and guides for doors or sliding panels shall be built to minimize the collection of wastes and foreign material and shall be cleanable. All shelves, aprons, false bottoms and similar fixtures, whether fixed or removable, shall be constructed and installed to be cleanable. Where shelves or aprons are used in normal operation to channel spillage or leakage to waste containers or pans, their size and location shall prevent splash or overflow onto surrounding surfaces.

Where shelves or pans are used to collect accidental spillage or leakage, the sides shall be flanged upward to permit retention of wastes.

g. Installation of fixtures and component parts. Cabinet fixtures shall be designed, installed and, when necessary, protected to minimize the deposit and retention of splash, spillage, condensation, and seepage encountered in normal machine operation. The placement of fixtures and components within the machine cabinet shall take into consideration the needs of each such fixture or component for cleaning, loading and servicing. Where necessary to provide access to areas which in normal operation are subject to splash or spillage, the intervening component mounting, suspension, or anchoring members shall be pivoted, hinged or on tracks, or the intervening component shall be removable.

h. Drains, pans or outlets. The product storage compartment within vending machines dispensing packaged liquid products from which leakage may occur or where condensate may collect shall be self-draining or provided with a drain outlet which permits complete draining of the compartment. Where drain outlets are used the drainage surface shall be sloped to the drain opening. All such drains shall be easily cleanable. All drains that do not terminate in closed areas shall be effectively protected against the entrance of insects and rodents. Containers used for storage of liquid wastes within the vending machine shall be watertight, readily removable, easily cleanable and corrosion resistant. All drains shall be of a size to permit rapid enough drainage of liquid under normal use conditions to prevent overflow of the compartment which the drain is designed to relieve.

i. Cup turrets and magazines. All machines shall be designed so that cups and containers may be added to the machine storage magazine directly from the original package without handling the product contact surfaces of such items. The storage magazine shall protect all unpackaged cups and containers from normal manual contact. Cups and container storage turrets or magazines shall have a fitted overlapped lid or cover. If a blower- and/or fin-type evaporator is used, it shall be protected by its location or by shielding against spilled food or beverage under normal use conditions.

5. Opening devices. a. Materials. Opening devices installed by the manufacturer as an integral part of the vending machine cabinet, either external or internal, which come into contact with the product or the product contact surface of the containers, shall be constructed of smooth, nontoxic, corrosion-resistant, and relatively nonabsorbent materials.

b. Removability. The section or sections of opening devices which come into contact with the product or product contact surfaces during use shall be readily removable.

c. Cleanability. All parts of the opening device and its housing which are subject to product splash, spray or spillage during use shall be constructed and fabricated so as to be easily cleanable and accessible for cleaning.

d. Protection. Those parts of multi-use opening devices which come into contact with the product or product contact surfaces of the

container shall be reasonably protected from customer contact, dust, insects, rodents and other contamination.

**History:** Cr. Register, July, 1964, No. 103, eff. 8-1-64; am. (4), (5) (c), 4a, (6) (d) 4b, Register, May, 1965, No. 113, eff. 6-1-65; am. (1) (a), (b) and (c), (2) to (5) (intro.), Register, November, 1980, No. 299, eff. 12-1-80.

**H 98.03 Vending machine identification.** (1) The vending machine operator shall be responsible for having each machine identified at all times with the vending machine permit prescribed and furnished by the department. The vending machine permit shall be securely and conspicuously attached to the near center and upper front of the vending machine. The vending machine operator shall maintain the permit in a legible state.

(2) Whenever upon inspection of a vending machine by an authorized employe or agent of the department, it shall be found that such vending machine does not contain an identifiable permit as prescribed by sub. (1), the authorized employe or agent of the department shall cause the vending machine to be placed in a nonvend position by sealing the coin insert slot or other mechanism with the notice prescribed and furnished by the department. Failure to maintain a nonvend condition until such time an authorized employe or agent of the department is satisfied that the vending machine is properly licensed and identified will be cause to take action under s. 50.59, Stats.

(3) Vending machine permits are not transferable from one machine to another. The office record for each vending machine shall show the serial number of the machine to which the specific vending machine permit identification number is assigned.

**History:** Cr. Register, July, 1964, No. 103, eff. 8-1-64; am. Register, May, 1965, No. 113, eff. 6-1-65; am. (1) and (2), Register, November, 1980, No. 299, eff. 12-1-80.

**H 98.04 Vending machine location record.** (1) The vending machine location record required to be filed at the operator's place of business within this state shall include for each machine the following:

- (a) Post office address of the building.
- (b) The story of such building.
- (c) The room of the story.
- (d) Location within the room when such room is larger than 2500 square feet.

(2) In addition to the machine serial number and the department's permit number, the location file record of each vending machine shall designate the type of machine as to prime vending purpose, heated, refrigerated, beverages, food, combination.

**History:** Cr. Register, July, 1964, No. 103, eff. 8-1-64; am. (2), Register, November, 1980, No. 299, eff. 12-1-80.

**H 98.05 Vending machine location.** (1) The location and area in which vending machines are placed shall be well-lighted, maintained in good repair, kept clean and free from accumulation of filth, garbage or rubbish and free from overhead leakage and shall not be located under drains and waste piping.

(2) Each vending machine shall be so located and maintained that the space around, over and under the machine can readily be and is kept cleaned. Location beneath exposed stairways is prohibited unless overhead cover of the machines is provided.

(3) The floor area upon which vending machines are located shall be reasonably smooth, of cleanable construction, and be capable of withstanding repeated washing and scrubbing.

(4) The area around a vending machine shall be free from excessive condensation.

(5) Vending machines shall not be located in areas where there is an undue amount of air-borne dust or dirt or in areas of factories where workmen must wear respirators.

(6) Each vending machine location where unpackaged food or ingredients are handled shall have available to it adequate handwashing facilities consisting of hot and cold running water, soap and single-service drying facilities. Proper handwashing facilities in toilet rooms or in other places in the building or area where vending machines are located shall be considered satisfactory.

(7) The machines shall be so placed that the area around the machines shall not be subject to flooding or to the accumulation of water.

**History:** Cr. Register, July, 1964, No. 103, eff. 8-1-64.

**H 98.06 Inspection of vending machines and commissaries.** (1) An authorized employe or agent of the department shall be permitted to enter at any reasonable time, upon any private or public property within the state where vending machines or commissaries are operated, or from which such machines are otherwise serviced, for the purpose of determining compliance with the provisions relating to servicing, maintenance and operation of vending machines dispensing readily perishable foods and beverages and commissaries. The operator shall make provision for the department or agent employe to have access, either in company with an employe or otherwise, to the interior of all vending machines operated by him.

(2) Commissaries not previously licensed shall not be granted a permit without a prior inspection; such inspections may include representative machines and machine locations.

**History:** Cr. Register, July, 1964, No. 103, eff. 8-1-64; am. (1), Register, November, 1980, No. 299, eff. 12-1-80.

**H 98.07 Foods, beverages and ingredients.** (1) All foods, beverages and ingredients offered for sale through vending machines shall be manufactured, processed and prepared in commissaries or establishments which comply with all applicable local, state and federal laws and regulations. Vending machine commissaries shall comply with the applicable provisions of Wis. Adm. Code ch. H 96.

(2) All foods, beverages and ingredients offered for sale through vending machines shall be clean and wholesome and free from spoilage, contamination and adulteration.

**History:** Cr. Register, July, 1964, No. 103, eff. 8-1-64.

**H 98.08 Consumer containers, storage, wrapping, covering of foods and single-service articles.** (1) All foods, beverages and ingredients shall be stored, transported, displayed and dispensed in such a manner as to be reasonably protected from dust, flies, vermin, contamination by rodents, poisonous insecticides, poisonous rodenticides, unnecessary handling, droplet infection, overhead leakage and other contamination at all times. The wet storage of cartoned, bottled, canned or packaged foods is prohibited.

(2) Readily perishable foods offered for sale through vending machines shall be dispensed to the consumer in the individual original container or wrapper into which it was placed at the commissary or at the manufacturer's or processor's plant, or such products shall be dispensed into single-service containers, except the following:

(a) Foods with natural protective coverings, which are not ordinarily eaten with the food, need not be wrapped or in containers.

(b) Foods prepared and dispensed in the same building, properly handled and transported, and placed in the vending machine for delivery to the customer in or on an approved single-service container or multi-use utensil, need not be wrapped or covered.

(c) Foods dispensed into an approved single-service container inside the vending machine immediately prior to delivery to the customer need not be wrapped or in covered containers.

(3) All single-service containers, which receive food or beverage from machines dispensing such products in bulk, shall be purchased in sanitary cartons or packages which protect the containers from contamination, shall be stored in a clean dry place until used and shall be handled in a sanitary manner. Such containers shall be stored in the original carton or package in which they were placed at the point of manufacture until introduced into the container magazine or dispenser of the vending machine. The vending machine magazine or dispenser shall protect the food contact surface of single-service articles from manual contact, dust, insects, rodents and other contamination.

(4) All single-service articles with which food normally comes in contact such as straws, spoons, forks, containers, etc., shall be furnished to the customer in the original individual wrapper unopened or by a dispenser approved by the department.

**History:** Cr. Register, July, 1964, No. 103, eff. 8-1-64; am. (4), Register, November, 1980, No. 299, eff. 12-1-80.

**H 98.09 Equipment maintenance and sanitizing.** (1) In those vending machines dispensing readily perishable foods, beverages or ingredients in bulk, the bulk supplies of such food shall be transferred only to a bulk vending machine container and appurtenances which are clean and have been subjected to an approved sanitizing process.

(2) Readily perishable foods within the vending machine shall be maintained at a temperature not higher than 40° F., or a temperature not lower than 150° F.; provided, that readily perishable foods heated in vending machines shall be continuously heated through the 40° F. to 150° F. temperature zone as rapidly as practicable to protect public health. Vending machines dispensing readily perishable foods shall be

provided with adequate refrigeration or heating units and thermostatic controls which insure the maintenance of these food temperatures at all times. Such vending machines shall also have controls which prevent the machine from vending the readily perishable food until serviced by the operator, in the event of power failure or other condition, which permits the food to attain a temperature above 45° F. or below 150° F., whichever is applicable; provided, that exceptions may be made for:

(a) The actual time required to fill or otherwise service the machine and for a maximum period of 30 minutes following completion of filling or servicing operations.

(b) For the actual time required to continuously heat foods through the 40° F. to 150° F. temperature zone, which actual time shall be as rapid as practicable to protect public health. In the event of power failure during the transition from 40° F. to 150° F., the machine shall be made incapable of vending readily perishable food until serviced by the operator.

(3) Milk and fluid milk products offered for sale through vending machines shall be dispensed only in individual original containers or from bulk containers into which such product was placed at the milk plant; provided, that in the case of vending machines that use fluid milk products as an ingredient in liquid foods or beverages dispensed at or above 150° F., such milk product may be transferred at the machine location from the individual original container of not more than one-half gallon capacity to a vending machine bulk container which is clean and has been subjected to an approved sanitizing process in accordance with Wis. Adm. Code section H 98.09 (5); provided further, that in such transfer, the entire contents of the individual original container are used.

(4) All multi-use parts of any bulk milk vending machine which come into direct contact with the milk or milk product shall be effectively cleaned and bactericidally treated at the milk plant; provided, that single-service dispensing tubes which receive bactericidal treatment at the fabricating plant and which are individually packaged in such manner as to preclude contamination may be exempted from this provision. All bulk milk containers shall meet Grade A requirements for dispensing of milk.

(5) With the exception of product contact surfaces of bulk milk vending machines for which separate provisions for cleaning and bactericidal treatment are specified in Wis. Adm. Code section H 98.09 (4), all multi-use containers or parts of vending machines which come into direct contact with readily perishable foods, beverages or ingredients shall be removed from the machine daily and shall be thoroughly cleaned and effectively subjected to an approved sanitizing process at the commissary or other approved facility; provided, that the requirement for daily cleaning and sanitizing treatments may be waived for those contact surfaces which are maintained at all times at a temperature of not higher than 40° F. or at a temperature of not lower than 150° F., whichever is applicable. Such parts shall, after cleaning and bactericidal treatment, be protected from contamination.

(6) Approved facilities for cleaning and sanitizing shall be available for each vending machine location or at a central location; provided, for

the central location procedure, reasonable precautions are taken to protect the product contact parts from contamination during storage, transportation and installation. Facilities for cleaning and sanitizing shall include either permanently fixed sinks of adequate size which are used only for this or a similar purpose or there shall be portable washing facilities such as a service wagon, metal or plastic pails or other mobile device which can be satisfactorily moved from one location to another. Sinks and portable receptacles shall be large enough to submerge the food contact surfaces of the largest single piece of equipment or part of a vending machine which is to be cleaned and sanitized. Water used for cleaning product contact surfaces shall not be less than 110° F., shall contain an adequate amount of an effective soap or detergent and shall be kept clean by changing it frequently.

(7) Sanitizing of hand-washed product contact equipment shall be by one of the following methods:

(a) Submerge washed equipment for 30 seconds in clean water maintained at a temperature of 170° F. or more. Mechanical spray rinsing for a period of 10 seconds at 180° F. is also approved.

(b) Equipment cleaned should be submerged or rinsed following the washing operation in water at a minimum temperature of 110° F. to remove soap or detergent, and then shall be submerged for at least 2 minutes in a hypochlorite solution which shall be made up with a chlorine concentration of at least 100 parts per million and shall be discarded when the chlorine concentration goes below 50 parts per million. Hypochlorite solutions shall be prepared fresh at least daily. For other chemical sanitizing solutions approved by the state health officer, the concentration will be as specified and shown on the package label.

(8) The employe doing the cleaning shall be equipped with a thermometer which registers from 0° F. to not less than 200° F. and has an accuracy of + or - 2° F., and shall use such thermometer to check water temperatures.

(9) In vending machines where food contact surfaces are not readily removable, cleaning and sanitizing of all the food contact parts may be accomplished in place provided:

(a) Piping is so arranged that a cleaning solution of at least 110° F. followed by an approved sanitizing solution can be circulated throughout the fixed system, the solutions will contact all interior surfaces and the system is self-draining or otherwise completely evacuated.

(b) Other fixed food contact surfaces shall be thoroughly washed with a sponge, brush or similar method, the surface is rinsed with clean water followed by application of an approved sanitizer to the surface.

**History:** Cr. Register, July, 1964, No. 103, eff. 8-1-64; am. (2) (a), Register, May, 1965, No. 113, eff. 6-1-65.

**H 98.10 Water supply.** (1) Water used in vending machines shall be from an approved source and shall be of safe and sanitary quality. The use of melted ice water is prohibited. Where a public water supply is not available, the well or wells supplying the machines shall comply with the Wisconsin well construction and pump installation code.

(2) Water used as a product ingredient shall be piped into the vending machine under pressure or brought to the vending machine in portable containers which have been filled directly from an approved water supply outlet. Such portable containers shall be designed and maintained as food contact surfaces and shall be cleaned and subjected to an approved bactericidal process at the commissary or other approved facility before each use. These containers and their contents shall be continuously protected against contamination during filling, transporting to the location and sale of the product. All plumbing connections and fittings shall be installed in accordance with state plumbing regulations.

(3) If used, water filters or other water-conditioning devices shall be of a type which may be disassembled for periodic cleaning or replacement of the active element. Replacement elements shall be handled in a sanitary manner.

(4) Where the carbonated water supply of a vending machine is connected to a water supply system, the machine shall be equipped with 2 (or double) check valves; or an air gap; or a device to vent carbon dioxide to the atmosphere; or other device approved by the board, which will provide positive protection against the entrance of carbon dioxide or carbonated water into the water supply system.

(5) Where check valves are used for the protection of the water supply system, a screen of not less than 100 mesh to the inch shall be installed in the water supply line immediately upstream from the check valves.

(6) In all vending machines which dispense carbonated beverages and which are connected to a water supply system, the ingredient water contact surfaces from the check valves or other protective device downstream, including the device itself, shall be of such material as to preclude the production of toxic substances which might result from interaction with carbon dioxide or carbonated water. This precludes the use of copper, galvanized steel, lead, zinc or cadmium.

(7) In any vending machine in which product ingredient water is pushed by carbon dioxide from pressurized portable containers into icemakers or other components, copper or other potentially toxic material shall not be used to store or pipe such water.

**History:** Cr. Register, July, 1964, No. 103, eff. 8-1-64.

**H 98.11 Waste disposal.** (1) All trash and other waste material shall be removed from the machine location as frequently as may be necessary to prevent nuisance and unsightliness, and shall be disposed of in a manner approved by the department.

(2) Self-disclosing, leakproof and easily cleanable refuse containers shall be provided in the vicinity of each machine or machines to receive cartons, wrappers and other items of refuse.

(3) Containers shall be provided within all machines dispensing liquid products in bulk for the collection of drip, spillage, overflow or other internal wastes. An automatic shut-off device shall be provided which will place the vending machine out of operation before such container overflows; provided, that vending machines which are not connected to a water supply line and whose icemaker condensate or melt water does not discharge into a waste container, and which are equipped with 2 (or

double) product valves per circuit shall not be required to have such an automatic shut-off device. Containers or surfaces on which such wastes may accumulate shall be readily removable for cleaning, shall be easily cleanable and shall be corrosion resistant.

(4) Automatic shut-off devices provided shall be located inside the machine so that only authorized personnel can reactivate the machine. Such devices shall maintain the machine in an inoperative condition until the waste container has been removed. The cut-off mechanism shall be set at a point to permit removal of the waste container from the machine without spillage.

(5) Liquid waste drainage pipes from the vending machine shall not be connected to plumbing unless an air gap meeting state plumbing code requirements is provided.

**History:** Cr. Register, July, 1964, No. 103, eff. 8-1-64; am. (1), Register, November, 1980, No. 299, eff. 12-1-80.

**H 98.12 Delivery of foods and beverages.** (1) Food, beverages or ingredients, while in transit to vending machine locations, shall be protected from the elements, dirt, dust, insects, rodents and other contamination. Similar protection shall be provided for single-service containers and for the product contact surfaces of equipment, containers and devices in transit to machine locations.

(2) Readily perishable foods or beverages, while in transit to vending machine locations, shall be maintained at a temperature of not more than 40° F. or at a temperature of not less than 150° F.

**History:** Cr. Register, July, 1964, No. 103, eff. 8-1-64.

**H 98.13 Personnel cleanliness.** (1) Employes shall wash their hands immediately prior to engaging in any vending machine servicing operation which may bring them in contact with foods, beverages or ingredients, or with product contact surfaces of utensils, containers or equipment. While engaged in such servicing operations, employes shall wear clean outer garments.

(2) No employe while engaged in filling, emptying or in any way servicing the food contact surfaces of vending machines shall use tobacco in any form.

**History:** Cr. Register, July, 1964, No. 103, eff. 8-1-64.

**H 98.14 Disease control.** (1) No employe with any disease in a communicable form, or who is a carrier of such disease, shall work in any commissary or in vending machine operations in any capacity which brings him into contact with the production, handling, storage or transportation of foods, beverages, ingredients or equipment used in vending machine operations; and no operator shall employ in any such capacity any such person, or any person suspected of having any disease in a communicable form or of being a carrier of such disease. Any employe who has a discharging or infected wound, sore or lesion on hands, arms or any exposed portion of the body shall be excluded from those operations which will bring him into contact with foods, beverages, utensils or equipment used in vending machine operations. Any operator among whose employes there occurs a communicable disease or who suspects that any employe has contracted any disease in a communicable form or

has become a carrier of such disease shall notify the department immediately.

(2) When suspicion arises as to the possibility of transmission of infection from any employe, the department or its designated agent is authorized to require any or all of the following measures:

(a) The immediate exclusion of the employe from all commissaries and vending machine operations.

(b) The immediate closing of the commissaries and operations concerned until no further danger of disease outbreak exists.

(c) Adequate medical examinations of the employe and of his associates, with such laboratory examinations as may be indicated.

**History:** Cr. Register, July, 1964, No. 103, eff. 8-1-64; am. (1) and (2) (intro.), Register, November, 1980, No. 299, eff. 12-1-80.

**H 98.15 Enforcement of rules.** (1) Whenever upon inspection of a commissary or a vending machine by an authorized employe or agent of the department, it shall be found that such commissary or vending machine is not conducted or equipped as required in the rules, the authorized employe or agent of the department shall notify the owner in writing and shall specify the requirements prescribed by the law and rules of the department to make such place of business conform with the standards established and the time limit within which compliance must be effected. When an agent of the department issues such a notice, a copy shall be sent to the district office of the department. If the order is not fulfilled at the expiration of the time stipulated in said order, or any extension of time granted for compliance, then the permit to operate the commissary or vending machine may be summarily suspended or revoked by the department.

(2) If a violation of the rules governing vending machines exists which creates a serious public health hazard requiring immediate action, an authorized employe of the department may place the vending machine in the nonvend position by using the procedure established in Wis. Adm. Code section H 98.03 (2) until such regulations have been complied with; an authorized employe of the department may also place the vending machine in the nonvend position by using the procedure established in Wis. Adm. Code section H 98.03 (2) when requested to do so by a designated agent of the department in cases where serious health hazards exist requiring immediate action.

**History:** Cr. Register, July, 1964, No. 103, eff. 8-1-64; am. (2), Register, May, 1965, No. 113, eff. 6-1-65; Register, November, 1980, No. 299, eff. 12-1-80.

**H 98.16 Appeal by the operator.** Any person aggrieved by an order of the department may appeal to the board within 30 days after issuance of the order in the manner prescribed by Wis. Adm. Code sections H 1.21 and 1.22. The department shall at its next regular meeting either reaffirm, summarily set aside or modify the order, or set a date for hearing on the matter as provided in Wis. Adm. Code sections H 1.21 and 1.22. The action taken by the department may either suspend the order or continue it in force pending determination of the issues. If the depart-

ment has summarily modified the order, the person aggrieved may appeal from the modified order as herein provided.

**History:** Cr. Register, July, 1964, No. 103, eff. 8-1-64; am. Register, November, 1980, No. 299, eff. 12-1-80.

**H 98.17 State health officer empowered to act.** The state health officer is empowered to act for the department in the administration and enforcement of all provisions of ch. 50, Stats., and the rules and regulations of the department pertaining to Wis. Adm. Code ch. H 98.

**History:** Cr. Register, July, 1964, No. 103, eff. 8-1-64; am. Register, November, 1980, No. 299, eff. 12-1-80.

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