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CERTIFICATE

STATE OF WISCONSIN )  
 ) SS  
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

I, Gerald Whitburn, Secretary of the Department of Health and Social Services and custodian of the official records of the Department, do hereby certify that the annexed rules relating to special restaurant standards for nonprofit groups serving meals to the public 4 to 12 days a year were duly approved and adopted by this Department on July 26, 1991.

I further certify that this copy has been compared by me with the original on file in the Department and that this copy is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 26th day of July, 1991.



SEAL:

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Gerald Whitburn, Secretary  
Department of Health and Social Services

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Department of Health and Social Services

Renumbering, Repealing and Recreating and Creating Rules

To renumber HSS 196.03 (26m) to (29) and 196.18; to repeal and recreate HSS 196.02 (1); and to create HSS 196.03 (27) and 196.18, relating to restaurants.

Analysis Prepared by the Department of Health and Social Services

This order revises the Department's rules for restaurants, ch. HSS 196, by adding special rules for churches and religious, charitable, fraternal and civic organizations that prepare, serve or sell meals to the general public from 4 to 12 days during any 12-month period. Those organizations, called "special organizations serving meals" in the proposed rules, are then exempt from having to comply with standards designed for other restaurants. The proposed rules impose essential food service protection requirements on special organizations serving meals without creating financial hardships for them. A special organization serving meals must obtain a permit in order to operate, just like any other restaurant, and is subject to the same sanctions for violating any standard that applies to it.

The same types of organizations when preparing, serving or selling meals to the general public from one to 3 days during any 12-month period are not considered restaurants for purposes of regulation under ch. HSS 196.

The Department's authority to adopt these rules is found in s. 50.57(1)(d), Stats. The rules interpret ss. 50.50, 50.51, 50.515, 50.55, 50.57, 50.575, 50.59, and 50.70 to 50.71, Stats.

SECTION 1. HSS 196.02 (1) is repealed and recreated to read:

HSS 196.02 SCOPE. (1) APPLICABILITY. The provisions of this chapter apply to any restaurant, mobile restaurant, temporary restaurant or special organization serving meals, except that ss. HSS 196.05 to 196.15 apply only to restaurants, mobile restaurants and temporary restaurants, s. HSS 196.16 applies only to mobile restaurants, s. HSS 196.17 applies only to temporary restaurants and s. HSS 196.18 applies only to special organizations serving meals.

SECTION 2. HSS 196.03 (26m) to (29) are renumbered 196.03 (28) to (31).

SECTION 3. HSS 196.03 (27) is created to read:

HSS 196.03 (27) "Special organization serving meals" means a restaurant operated by a church or a religious, fraternal, youth or patriotic organization or a service club or civic organization that prepares, serves or sells meals to which members of the general public are invited, for at least 4 but no more than 12 days during any 12-month period. "Meals", as used in this subsection, does not include a meal that is incidental to normal activities intended exclusively for members of the particular special organization, nor does it include a meal served in conjunction with a church worship service, such as a funeral or wedding, to persons who attended that service.

SECTION 4. HSS 196.18 is renumbered 196.19.

SECTION 5. HSS 196.18 is created to read:

HSS 196.18 SPECIAL ORGANIZATIONS SERVING MEALS. (1) SUPERVISION. For a special organization serving meals, an individual who successfully completed a department-approved food handler training course or who has been trained in food handling by department or agent staff shall be present and supervise meal preparation and serving.

(2) APPROVED COURSES. For approval by the department a food handler training course shall consist of a minimum of 2 hours instruction time and include the following subjects: temperature control of potentially hazardous food during preparation, storage, transportation and serving; effective cleaning and sanitizing of utensils and equipment; storage of utensils and equipment; food worker personal hygiene; effective handwashing techniques; food storage; identification of potentially hazardous food; food worker health; prevention of foodborne illness; safe food sources; and the storage and use of toxic products. The department, or its agent, may require that additional subjects be addressed, related to the particular food service operation, to provide assurance that the public's health and safety will be protected.

(3) STORAGE. All food storage facilities shall be kept clean and free of insects and rodents. Storage facilities approved by the department shall be provided.

(4) FOOD SUPPLIES. (a) Food, including milk and milk products, shall be clean, wholesome, free from spoilage, free from filth or contamination, free from adulteration and misbranding and safe for human consumption. Milk of only pasteurized grade "A" quality may be used.

(b) Any potentially hazardous food shall be prepared on the premises.

(c) No home canned food may be served, except for jams and jellies.

(5) FOOD PROTECTION. (a) 1. Foods shall be protected from contamination while being stored, prepared and served, and during transportation. Perishable foods shall be stored at temperatures that will protect them against spoilage.

2. Potentially hazardous food shall be maintained at safe temperatures of 40°F. (4°C.) or below, or 150°F. (66°C.) or above, as appropriate, except during necessary periods of preparation and serving. Frozen food shall be kept frozen and shall be stored at a temperature of 0°F. (-18°C.), except when being thawed for preparation or use. Potentially hazardous frozen food shall be thawed at refrigerator temperatures of 40°F. (4°C.) or below, quick-thawed as part of the cooking process, or thawed by another method approved by the department. An easily readable, numerically scaled indicating thermometer, accurate to  $\pm 2^{\circ}\text{F}$ . ( $1^{\circ}\text{C}$ .), shall be located in the warmest part of each refrigerator.

3. Raw fruits and vegetables shall be washed thoroughly before use.

4. Stuffings, poultry, stuffed meats and poultry, and pork and pork products shall be cooked to heat all parts of the food to at least 165°F. (74°C.) before being served.

5. Salads made in whole or in part of meat, poultry, potatoes, fish, shellfish or eggs, and other potentially hazardous prepared food, shall be prepared from chilled products, with a minimum of manual contact.

6. Once served to an individual, portions of leftover food may not be served again, except that packaged food, other than potentially hazardous food, that is still packaged and is still in sound condition, may be re-served.

(b) Containers of food shall be stored above the floor, on clean racks, shelves or other clean surfaces, in such a manner as to be protected from splash and other contamination.

(c) An approved handwashing facility shall be provided in or readily accessible to the food preparation area.

(6) EMPLOYEE HEALTH. (a) No person with a communicable disease that may be transmitted by food handling may work as a food handler.

(b) If the person in charge of a special organization serving meals suspects that a person working as a food handler has a communicable disease that may be transmitted by food handling, the person working as a food handler shall be immediately excluded from working.

(c) Persons preparing or serving food or washing equipment or utensils shall wear clean outer garments, maintain a high degree of personal cleanliness and conform to hygienic practices. They shall wash their hands thoroughly before starting work and as often as necessary while working, in order to remove soil and contamination. After visiting a toilet room, they shall wash their hands thoroughly in a lavatory but never in a sink used for utensil washing and food preparation. No one while preparing or serving food or involved in cleaning utensils and equipment may use tobacco in any form.

(7) EQUIPMENT AND UTENSILS. (a) All equipment and utensils shall be of an easily cleanable design and constructed of safe, durable materials. Surfaces with which food or drink comes into contact shall be easily accessible for cleaning and shall be nontoxic, corrosion-resistant, nonabsorbent and free of defects. Disposable articles shall be made from nontoxic materials.

(b) All equipment shall be installed in a way that facilitates the cleaning of the equipment and all adjacent areas.

(c) Equipment shall be kept clean and in good repair.

(8) UTENSIL SANITATION. (a) Utensils shall be kept clean and in good repair.

(b) Multi-use eating and drinking utensils shall be washed, rinsed and sanitized after each use. Facilities needed for the operations of washing, rinsing and sanitizing shall be provided. Directions for proper washing and sanitizing procedures shall be posted at the utensil washing facility location.

(c) Pots, pans and other utensils used in the preparation or serving of food or drink and all food storage utensils shall be thoroughly cleaned and sanitized after each use. Cooking surfaces of equipment shall be cleaned at least once each day. To prevent cross-contamination, kitchenware and food contact surfaces of equipment shall be washed, rinsed and sanitized after use.

(d) Nonfood contact surfaces of equipment shall be cleaned at intervals that will keep them in a clean and sanitary condition.

(e) Residential sinks and home-style mechanical dishwashing machines are acceptable facilities for washing multi-use eating and drinking utensils and pots, pans and other cooking utensils.

(f) Immediately following either manual or mechanical washing and rinsing of eating and drinking utensils and pots, pans and other cooking utensils, these utensils shall be sanitized by being submerged in a hypochlorite solution with a chlorine concentration continuously maintained at 100 parts per million or another approved sanitizing solution which shall be used at the concentration at which tested and approved by the department. Dishpans may be used to accomplish the final sanitizing rinse.

(9) SINGLE-SERVICE UTENSILS. The reuse of single-service utensils is prohibited.

(10) MAINTENANCE. Floors, walls and ceilings of food preparation, storage and utensil washing areas shall be maintained in a clean and sanitary condition and in a good state of repair.

(11) INSECT AND RODENT CONTROL. Effective measures intended to minimize the presence of rodents, flies, cockroaches, and other insects on the premises shall be employed. The premises shall be kept in a condition which will prevent the harborage or feeding of insects or rodents.

(12) PLUMBING. All plumbing shall be installed and maintained in accordance with chs. ILHR 82 to 86.

The repeals and rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, as provided in s. 227.22(2), Stats.

Wisconsin Department of Health  
and Social Services

DATED: July 26, 1991

By: 

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Gerald Whitburn  
Secretary

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