

ARTICLE 81
FOOD PREPARATION AND FOOD ESTABLISHMENTS

- §81.01 Scope.
- §81.03 Definitions.
- §81.04 Approved sources of food.
- §81.05 Technical review and pre-permitting inspections for food service establishments and non-retail food processing establishments.
- §81.06 Prevention of imminent or public health hazards
- §81.07 Food: sanitary preparation, protection against contamination.
- §81.08 Foods containing artificial trans fat.
- §81.09 Potentially hazardous foods; temperature control for safety.
- §81.10 Time as a public health control.
- §81.11 repealed.
- §81.12 Reduced oxygen packaging; cook chill and *sous vide* processing.
- §81.13 Food workers: health; hygienic practices
- §81.15 Food protection course.
- §81.17 General requirements: design, construction, materials and maintenance.
- §81.18 Cold and hot storage and holding facilities.
- §81.19 Lighting and ventilation.
- §81.20 Plumbing and water supply.
- §81.21 Hand wash sinks.
- §81.22 Employee and patron toilets.
- §81.23 Integrated pest management.
- §81.24 Garbage and waste disposal.
- §81.25 Live animals.
- §81.27 Cleaning of premises, equipment and utensils.
- §81.29 Dishwashing and ware washing.
- §81.31 Outdoor cooking, food and beverage preparation facilities.
- §81.33 repealed.
- §81.35 repealed.
- §81.37 repealed.
- §81.39 Sealing unclean equipment, utensils and vehicles; denial, suspension and revocation of permits; enforcement; padlocking.
- §81.41 Dispensing devices used to dispense food; construction, cleanliness, refrigeration, safety.
- §81.43 Reporting complaints of patrons' illness, emergency occurrences.
- §81.45 repealed.
- §81.47 repealed.
- §81.49 repealed.
- §81.50 Posting of calorie information.
- §81.51 Grading of inspection results and posting of grades by certain food service establishments.
- §81.53 Maximum Beverage Size
- §81.55 Modification by Commissioner.

- (f) *Scope and applicability.* This section shall not apply to mobile food vending units, mobile food vending commissaries, temporary food service establishments, food service establishments operated in or by primary and secondary schools, hospital-operated cafeterias, correctional facilities, or charitable organizations, including soup kitchens or other prepared food distribution programs, nor to food service establishments operated by not for profit membership organizations for service to their members only.
- (g) *No effect on other enforcement.* Nothing in this section shall affect the Department's authority to take any other action necessary to protect the public health or to enforce the provisions of this Code or any other law or rule applicable to operation of a food service establishment.

§81.53 Maximum Beverage Size

- (a) *Definition of terms used in this section.*

- (1) *Sugary drink* means a carbonated or non-carbonated beverage that:
 - (A) is non-alcoholic;
 - (B) is sweetened by the manufacturer or establishment with sugar or another caloric sweetener;
 - (C) has greater than 25 calories per 8 fluid ounces of beverage; and
 - (D) does not contain more than 50 percent of milk or milk substitute by volume as an ingredient.

The volume of milk or milk substitute in a beverage will be presumed to be less than or equal to 50 percent unless proven otherwise by the food service establishment serving it.

- (2) *Milk substitute* means any liquid that is soy-based and is intended by its manufacturer to be a substitute for milk.
- (3) *Self-service cup* means a cup or container provided by a food service establishment that is filled with a beverage by the customer.
- (b) *Sugary drinks.* A food service establishment may not sell, offer, or provide a sugary drink in a cup or container that is able to contain more than 16 fluid ounces.
- (c) *Self-service cups.* A food service establishment may not sell, offer, or provide to any customer a self-service cup or container that is able to contain more than 16 fluid ounces.
- (d) *Violations of this section.* Notwithstanding the fines, penalties, and forfeitures outlined in Article 3 of this Code, a food service establishment determined to have violated this section will be subject to a fine of no more than two hundred dollars for each violation and no more than one violation of this section may be cited at each inspection of a food service establishment.

§81.55 Modification by Commissioner.

When the strict application of any provision of this Article presents practical difficulties or unusual hardships, the Commissioner, in a specific instance, may modify the application of such provision consistent with the general purpose of this Article and upon such conditions as in his or her opinion are necessary to provide for clean and sanitary food manufactured, processed or served in clean and sanitary establishments. The denial