

Changes from the current Nebraska Pure Food Act (Act) to the new 2016 Nebraska Pure Food Act

1. Removes the Food Salvage Code from the Act. Provides that salvage operations will be required to comply with the federal Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food.
2. Amends the definition of Food Code in the Act by updating to the most current version, the 2013 Recommendations of the United States Public Health Service, Food and Drug Administration (2013 FDA Code). The changes include:
 - Deleted the definition for “Enterohemorrhagic *Escherichia coli*” (EHEC) as the use of EHEC terminology is outdated.
 - Modified the definition of Shiga toxin-producing *Escherichia coli*” (STEC) to reflect current nomenclature.
 - Deleted the definition for Potentially Hazardous Food (Time/Temperature Control for Safety Food) (PHF/TCS) and made a universal change throughout the Code to replace it with the term “Time/Temperature Control for Safety Food” (TCS). The definition remains the same.
 - Modified the definition of “Packaged” to clarify when foods packaged at retail need to be labeled.
 - Modified the definition of “Reduced Oxygen Packaging” (ROP) to clearly define the sous vide process.
 - Amends the definition of Food Establishment to clarify that it includes operations which **deliver** food for human consumption.
3. 2-103.11 added F) EMPLOYEES are verifying that FOODS delivered to the FOOD ESTABLISHMENT during non-operating hours are from APPROVED sources and are placed into appropriate storage locations such that they are maintained at the required temperatures, protected from contamination, UNADULTERATED, and accurately presented;^{Pf}
4. 2-201.11, 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.

5. 2-301.14(H) Amended to clarify that the requirement to wash hands before donning gloves is specific to the beginning of a task involving working with food and not during the task.
6. 2-301.16(A) (2) Amended to clarify the use of hand antiseptics as a food additive.
7. 3-201.16(A) Amended to recognize a regulatory authority's ability to approve the sale of wild mushrooms within a food establishment.
8. 3-302.11 Amended to remove an internal reference to sections relating to the cleaning and sanitizing of equipment.
9. 3-302.15 added Washing Fruits and Vegetables. Devices used for on-site generation of chemicals meeting the requirements specified in 21 CFR 173.315, Chemicals used in the washing or to assist in the peeling of fruits and vegetables, for the washing of raw, whole fruits and vegetables shall be used in accordance with the manufacturer's instructions.
10. 3-304.11 Amended to clarify that food may contact surfaces of linens and napkins as specified in 3-304.13.
11. 3-304.13 is included in the Food Code because this section has been changed from the 2009 FDA Code to clarify that napkins in this section refers to cloth napkins and they are by definition considered linens.
12. 3-304.17 Amended to relocate the requirement regarding the cleaning of returnables into this section from 4-603.17. This section now clarifies conditions under which the re-use of returnables are permitted and establishes conditions under which refilling of returnable take-home containers is permitted.
13. 3-401.14 Amended to clarify that prior to sale or service, raw animal foods cooked using a non-continuous cooking process shall be cooked to a temperature and for a time as specified under 3-401.11.
14. 3-402.11 Amended to clarify that scallop products consisting solely of the shucked adductor muscle are excluded from the requirements for parasite destruction.
15. 3-403.11 Amended to clarify that this provision applies to all commercially processed TCS foods that are ready-to-eat. Previous text suggested that it applied only immediately upon removal of the food from a sealed container.
16. 3-501.13 Amended to add new paragraph 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.

17. Amends §81-2,272.24 to include as much as possible from the 2013 FDA Code by referencing sections 3-501.17 and 3-501.18 as these sections apply to food which is held at a temperature below forty-one degrees. The language in the bill applies to food being held between forty-five degrees and forty-one degrees.
18. 3-501.17 Ready-to-Eat, Time/Temperature Control for Safety Food, Date Marking. Additions to the old 81-2272.24
19. 3-502.11 Variance Requirement. 3-502.11 is included in the Food Code because this section has been changed from the 2009 Code 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.
20. 3-502.12 Reduced Oxygen Packaging Without a Variance, Criteria. (Replaces old 81-2272.27) 3-502.12 is included in the Food Code because the Food Review Board now supports this provision and it is being included in order to be consistent with as much of the Code as possible.
21. 3-602.11 Amended to clarify the information that must be included in the statement of ingredients. The term “sub ingredients” was added to this subparagraph to clarify that individual component ingredients of a main ingredient must be disclosed in the statement of ingredients. This clarification helps to make clear that all individual ingredients in a packaged food will be disclosed in the statement of ingredients.
22. 4-302.13 Amended to require the availability of irreversible registering temperature indicators. This change was made to provide a simple method to verify that the hot water mechanical sanitizing operation is effective in achieving a utensil surface temperature by meeting or exceeding 71°C (160°F).
23. 4-501.114 Manual and Mechanical Warewashing Equipment, Chemical Sanitization - Temperature, pH, Concentration, and Hardness. Added
 - (F) If a chemical SANITIZER is generated by a device located on-site at the FOOD ESTABLISHMENT it shall be used as specified in ¶¶(A) - (D) of this section and shall be produced by a device that:
 - (1) Complies with regulation as specified in §§ 2(q)(1) and 12 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA),^P
 - (2) Complies with 40 CFR 152.500 Requirement for Devices and 40 CFR 156.10 Labeling Requirements,^P

- (3) Displays the EPA device manufacturing facility registration number on the device,^{Pf} and
- (4) Is operated and maintained in accordance with manufacturer's instructions^{Pf}.

24. 4-602.11 Amended to change the cleaning and sanitizing frequency for food contact surfaces or utensils that are in contact with a raw animal food that is a major food allergen such as fish, followed by other types of raw animal foods.

25. 4-603.17 Deleted as requirements are relocated to 3-304.17.

26. 7-204.12 Amended to add 21 CFR 173 Secondary Direct Food Additives Permitted in Food for Human Consumption; Generally Recognized as Safe (GRAS) ingredients; effective food contact notifications; 40 CFR 156 Labeling Requirements for Pesticides and Devices to allow the use of other antimicrobial agents allowed under the food contact notification program for washing fruits and vegetables as well as GRAS ingredients permitted as antimicrobials or for general food use.

27. 8-201.13(A)(2) and (3) and (B) and 8-201.14(C) are included in the Food Code because the Department and the Food Review Board determined that these sections are not in conflict with the Act. These sections are being included in order to be consistent with as much of the Code as possible.

8-201.13 Amended to add new language to have the food establishment notify the Regulatory Authority through submission of a Hazard Analysis and Critical Control Point (HACCP) plan that they will be conducting ROP operations that conform with procedures in § 3-502.12.

28. 8-201.14 Contents of a HACCP Plan. Added (C) FOOD EMPLOYEE and supervisory training plan that addresses the FOOD safety issues of concern;

29. 8-405.11 Timely Correction. Added (B) (1)

(A) Except as specified in ¶ (B) of this section, a PERMIT HOLDER shall at the time of inspection correct a violation of a PRIORITY ITEM or PRIORITY FOUNDATION ITEM of this Code and implement corrective actions for a HACCP PLAN provision that is not in compliance with its CRITICAL LIMIT.

(B) Considering the nature of the potential HAZARD involved and the complexity of the corrective action needed, the REGULATORY AUTHORITY may agree to or specify a longer time frame, not to exceed:

(1) (NEW) 72 hours after the inspection, for the PERMIT HOLDER to correct violations of a PRIORITY ITEM; or

(2) 10 calendar days after the inspection, for the PERMIT HOLDER to correct violations of a PRIORITY FOUNDATION ITEM or HACCP PLAN deviations