



December 22, 2025

NOTICE OF PROPOSED RULEMAKING

Chapter 511-6-1 “Food Service”

The Department of Public Health proposes revisions to the rules located in Chapter 511-6-1, “Food Service” pursuant to its authority under Georgia Code Sections 31-2A-6, and 26-2-373 through 26-2-379.

The purpose of the proposed rulemaking is to amend the definition of “food service establishment” to include cottage food operators and cottage food production operators.

The proposed rules are posted on the Department's website at <http://dph.georgia.gov/regulationsrule-making>. Interested persons may submit comments on these proposed revisions in writing addressed to:

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Written comments must be submitted on or before January 15, 2026. Oral comments may be presented online or via phone at a public meeting scheduled for 2 p.m. on January 14, 2026. To join the public meeting:

- To join by computer:
 - <https://gapublichealth.webex.com/gapublichealth/j.php?MTID=mbd5e057cd7c8f65e47e5fcfef5ba01a3>
 - Meeting Number: 2533 144 3511
 - Meeting Password: 3jBejNNi3G6
- To join by phone:
 - +1-415-655-0001 US Toll
 - Access Code: 2533 144 3511

The Commissioner of Public Health will consider the proposed rules for adoption on or about January 25, 2026, to become effective on or about February 25, 2026.



Jeffrey Rickman
General Counsel
Georgia Department of Public Health

**RULES
OF
GEORGIA DEPARTMENT OF PUBLIC HEALTH**

**CHAPTER 511-6
FOOD AND LODGING ESTABLISHMENTS**

**SUBJECT 511-6-1
FOOD SERVICE**

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Rule 511-9-2-.01 Definitions

511-6-1-.01. Definitions.

- (1) “**Accredited program**” means a food protection manager certification program that has been evaluated and listed by an accrediting agency as conforming to national standards for organizations that certify individuals. It refers to the certification process and is a designation based upon an independent evaluation of factors such as the sponsor's mission; organizational structure; staff resources; revenue sources; policies; public information regarding program scope, eligibility requirements, re-certification, discipline and grievance procedures; test development and administration. Accredited programs does not refer to training functions or educational programs.
- (2) “**Adulterated**” has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 402.
- (3) “**Approved**” means acceptable to the Health Authority based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.
- (4) “**Asymptomatic**” means without obvious symptoms, not showing or producing indications of a disease or other medical condition, such as an individual infected with a pathogen but not exhibiting or producing any signs or symptoms of vomiting, diarrhea, or jaundice. It includes not showing symptoms because symptoms have resolved or subsided, or because symptoms never manifested.
- (5) “**Authorization to operate**” means approval from a county board of health to operate within its jurisdiction for a mobile food service establishment that is permitted in another county that is referred to as the county of origin.
- (6) “**a_w**” means water activity which is a measure of the free moisture in a food, is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature and is indicated by the symbol a_w.
- (7) “**Balut**” means an embryo inside a fertile egg that has been incubated for a period sufficient for the embryo to reach a specific stage of development after which it is removed from incubation before hatching.
- (8) “**Base of operation**” means a fixed location with a food service permit from which a mobile food service unit, extended food service unit, “pop-up” food service operation, or catering food service establishment operates. Mobile food service units operating in conjunction with a restaurant shall obtain a separate base of operation permit in addition to the restaurant's fixed food service permit. A restaurant's fixed food service permit shall not serve as the base of operation permit for the mobile food service unit.
- (9) “**Beverage**” means a liquid for drinking, including water.

(10) **“Bottled drinking water”** means water that is sealed in bottles, packages, or other containers and offered for sale for human consumption, including bottled mineral water.

(11) **“Casing”** means a tubular container for sausage products made of either natural or artificial (synthetic) material.

(12) **“Catering operation”** means the provision of a specific menu and quantity of food for service to a consumer, pursuant to a contract, at a site such as a consumer's home, motion picture filming location, or other event site. Food served during a catering operation may be prepared all or in part at the base of operation and transported to the service site, or it may be prepared and served at the service site.

(13) **“Catering food service establishment”** means a permitted food service establishment that has been approved by the Health Authority to perform catering operations. A catering food service establishment shall operate from a base of operation within the State of Georgia, and its permit shall be issued by the Health Authority in the county in which its base of operation is located. A catering food service establishment may include one or more mobile catering units and other components which allow for the preparation and service of food at the service site; however, the term shall not include operations such as temporary food service establishments or extended food service establishments, and shall not include delivery of food (for example, pizza) by a food service establishment to a consumer.

(14) **“Certification”** means a document certifying that an individual has completed an approved food safety training program and has passed a professionally validated food safety examination.

(15) **“Certification number”** means the unique identification number issued by the Shellfish Control Authority to each dealer for each location. Each certification number shall consist to a one-to-five digit Arabic number preceded by the two letter State abbreviation and followed by a two-letter abbreviation for the type of activity or activities the dealer is qualified to perform in accordance with this provision of the National Shellfish Sanitation Program using the terms in the following tables:

Table A. Certifications

Table B. Permits

Table A. Certifications		Table B. Permits	
Acronym	Term	Acronym	Term
SP	Shucker Packer	PHP	Post-Harvest Processing
RP	Repacker	AQ	Aquaculture
SS	Shellstock Shipper	WS	Wet Storage
RS	Reshipper		
DP	Depuration		

(16) “**Certified Food Safety Manager (CFSM)**” means the owner or manager of a food service establishment who has successfully completed a food safety training program approved by the Department and passed a professionally validated CFSM examination that is accredited by the Conference for Food Protection or other accrediting agency as conforming to national standards for organizations that certify individuals.

(17) “**CFR**” means Code of Federal Regulations.

(18) “**CIP**” means cleaned in place by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse, and sanitizing solution onto or over equipment surfaces that require cleaning, such as the method used, in part, to clean and sanitize a frozen dessert machine. It does not include the cleaning of equipment such as band saws, slicers, or mixers that are subjected to in-place manual cleaning without the use of a CIP system.

(19) “**Color additive**” has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 201(t) and 21 CFR 70.3(f).

(20) “**Commercially Processed**” means making food from one or more ingredients for the purpose of manufacturing, packaging, labeling or storing that food for human consumption to subsequently provide that food for sale or distribution to other business entities.

(21) “**Commingle**” means the act of combining different lots of molluscan shellfish.

(22) “**Comminuted**” means reduced in size by methods including chopping, flaking, grinding, or mincing. It includes fish or meat products that are reduced in size and restructured or reformulated such as gefilte fish, gyros, ground beef, and sausage and a mixture of two or more types of meat that have been reduced in size and combined, such as sausages made from two or more meats.

(23) “**Conditional employee**” means a potential food employee to whom a job offer is made, conditional on responses to subsequent medical questions or examinations designed to identify potential food employees who may be suffering from a disease that can be transmitted through food and done in compliance with Title 1 of the Americans with Disabilities Act of 1990.

(24) “**Confirmed disease outbreak**” means a foodborne disease outbreak in which laboratory analysis of appropriate specimens identifies a causative agent and epidemiological analysis implicates the food as the source of the illness.

(25) “**Consumer**” means a person who is a member of the general public, takes possession of food, is not functioning in the capacity of an operator of a food service establishment or food processing plant and does not offer the food for resale.

(26) “**Core item**” means a provision in this Chapter that is not designated as a priority item or a priority foundation item. It includes an item that usually relates to general sanitation, operational

controls, sanitation standard operating procedures (SSOPs), facilities or structures, equipment design, or general maintenance.

(27) **“Corrosion-resistant material”** means a material that maintains acceptable surface cleanability characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and sanitizing solutions, and other conditions of the use environment.

(28) **“Counter-mounted equipment”** means equipment that is not portable and is designed to be mounted off the floor on a table, counter, or shelf.

(29) **“County Board of Health”** means a Board of Health established pursuant to O.C.G.A. § 31-3-1.

(30) **“County of origin”** means the permitting county for a mobile food service establishment. This is the same county where a mobile food service unit's base of operation is located.

(31) **“Critical control point”** means a point or procedure in a specific food system where loss of control may result in an unacceptable health risk.

(32) **“Critical item”** means a provision of this Chapter, that if in noncompliance, is more likely than other violations to contribute to food contamination, illness, or environmental health hazard and may create an imminent health hazard.

(33) **“Critical limit”** means the maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a critical control point to minimize the risk that the identified food safety hazard may occur.

(34) **“Cut leafy greens”** means fresh leafy greens whose leaves have been cut, shredded, sliced, chopped, or torn. The term “leafy greens” includes iceberg lettuce, romaine lettuce, leaf lettuce, butter lettuce, baby leaf lettuce (i.e., immature lettuce or leafy greens), escarole, endive, spring mix, spinach, cabbage, kale, arugula and chard. The term “leafy greens” does not include herbs such as cilantro or parsley.

(35) **“Dealer”** means a person who is authorized by a shellfish control authority for the activities of shellstock shipper, shucker-packer, repacker, reshipper, or depuration processor of molluscan shellfish according to the provisions of the National Shellfish Sanitation Program.

(36) **“Department”** means the Georgia Department of Public Health.

(37) **“Disclosure”** means a written statement that clearly identifies the animal-derived foods which are, or can be ordered, raw, undercooked, or without otherwise being processed to eliminate pathogens, or items that contain an ingredient that is raw, undercooked, or without otherwise being processed to eliminate pathogens.

(38) **“District standard trainer”** means an Environmental Health Specialist (EHS) appointed by a District Environmental Health Director to train and standardize other EHS in conducting risk

based inspections of food service establishments and to monitor their inspection activities as well. In addition, these individuals must successfully complete a standardization exercise and receive standardization certification from the State Environmental Health Section.

(39) **“Drinking water”** means water that meets criteria as specified in 40 CFR 141 - National Primary Drinking Water Regulations, is traditionally known as “potable water”, and includes the term “water” except where the term used connotes that the water is not potable, such as “boiler water,” “mop water,” “rainwater,” “wastewater,” and “nondrinking” water.

(40) **“Dry storage area”** means a room or area designated for the storage of packaged or containerized bulk food that is not time/temperature control for safety food and dry goods such as single-service items.

(41) **“Easily cleanable”** means a characteristic of a surface that allows effective removal of soil by normal cleaning methods; is dependent on the material, design, construction, and installation of the surface; and varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into food based on the surface's approved placement, purpose, and use. The application of this general criterion will depend on the purpose of the surface (e.g., food preparation counter, floor, consumer table, etc.).

(42) **“Easily movable”** means portable, mounted on casters, gliders, or rollers, or provided with a mechanical means to safely tilt a unit of equipment for cleaning. It also means having no utility connection, a utility connection that disconnects quickly, or a flexible utility connection line of sufficient length to allow the equipment to be moved for cleaning of the equipment and adjacent area.

(43) **“Egg”** means the shell egg of avian species such as a chicken, duck, goose, guinea, quail, ratites or turkey and does not include a balut, or the egg of reptile species such as alligator, or an egg product.

(44) **“Egg product”** means all, or a portion of, the contents found inside eggs separated from the shell and pasteurized in a food processing plant, with or without added ingredients, intended for human consumption, such as dried, frozen or liquid eggs. It does not include food which contains eggs only in a relatively small proportion such as cake mixes.

(45) **“Emergency operations plan”** is a detailed operations plan outlining how a food service establishment may continue operations in the event an imminent health hazard exists because of an emergency such as a fire, flood, interruption of electrical or water service for two or more hours, sewage malfunction, misuse of poisonous or toxic materials, onset of apparent foodborne illness outbreak, gross unsanitary occurrence or condition, or other circumstances that may endanger public health. The operation plan should demonstrate and outline procedures and actions of how food service management, such as the food service permit holder, person in charge, and food service staff will ensure food can continue to be prepared and served safely without comprising the public's health. The plan should demonstrate how the facility can provide

potable water, temperature control, cleaning and sanitizing, and general sanitization when resources may not be available during the event.

(46) **“Employee”** means the permit holder, person in charge, food employee, person having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or other person working in a food service establishment.

(47) **“Enough”** means occurring in such quantity and quality or scope as to fully satisfy demand or need.

(48) **“EPA”** means the U.S. Environmental Protection Agency.

(49) **“Equipment”** means an article that is used in the operation of a food service establishment such as a freezer, grinder, hood, ice maker, meat block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, temperature measuring device for ambient air, warewashing machine, or other similar devices. It does not include apparatuses used for handling or storing large quantities of packaged foods that are received from a supplier in a cased or overwrapped lot, such as hand trucks, forklifts, dollies, pallets, racks, and skids.

(50) **“Exclude”** means to prevent a person from working as an employee in a food service establishment or entering a food service establishment as an employee.

(51) **“Extended food service unit”** means a stationary trailer, kiosk or similar unit operating as an extension of and under the managerial authority of a permitted food service establishment located on the same property.

(52) **“Extensively remodeled”** means any changes involving structure or location of walls, openings, floors or counters, or modification of plumbing, mechanical or electrical components other than fixtures or in the equipment's layout, arrangement and installation of a food service establishment that the resulting construction, layout, and equipment and installation significantly differs from what was originally approved by the Health Authority at the time of the Health Authority's issuance of a permit. It does not include minor cosmetic changes such as painting, moving equipment for detailed cleaning, detailed cleaning of physical facilities, replacing carpeting in the dining area, or repairing damage to walls, floors, and ceilings.

(53) **“Facilitator”** means a third-party entity which manages “pop-up” food service operations through permitted food service establishments at an approved location within a building or enclosed courtyard.

(54) **“FDA”** means the U.S. Food and Drug Administration.

(55) **“Fish”** means fresh or saltwater finfish, crustaceans and other forms of aquatic life (including alligator, frog, aquatic turtle, jellyfish, sea cucumber, and sea urchin and the roe of such animals) other than birds or mammals, and all mollusks, if such animal life is intended for

human consumption. It includes an edible human food product derived in whole or in part from fish, including fish that have been processed in any manner.

(56) **“Fixed food service establishment”** means a permitted food service establishment that is not mobile.

(57) **“Follow-up inspection”** means a complete inspection of a food service establishment by the Health Authority to determine compliance with this Chapter and its enforcement purposes in response to findings of the previous routine inspection.

(58) **“Food”** means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.

(59) **“Food additive”** has the meaning stated in the Federal Food, Drug, and Cosmetic Act § 201(s) and 21 CFR 170.3(e)(1).

(60) **“Foodborne disease outbreak”** means the occurrence of two or more cases of a similar illness resulting from the ingestion of a common food.

(61) **“Food-contact surface”** means a surface of equipment or a utensil with which food normally comes into contact or a surface of equipment or a utensil from which food may drain, drip, or splash into a food or onto a surface normally in contact with food.

(62) **“Food employee”** means an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces.

(63) **“Food processing plant”** means a commercial operation that manufactures, packages, labels, or stores food for human consumption, and provides food for sale or distribution to other business entities such as food processing plants or food service establishments. A food processing plant does not include a food service establishment.

(64) **“Food service establishment”** means public or private establishments which prepare and serve meals, lunches, short orders, sandwiches, frozen desserts, or other edible products directly to the consumer either for carry out or service within the establishment. Such term includes restaurants; coffee shops; cafeterias; short order cafes; luncheonettes; taverns; lunchrooms; places which retail sandwiches or salads; soda fountains; mobile food service establishments; industrial cafeterias; catering establishments; and similar facilities by whatever name called. Within a food service establishment, there may be a food sales component, not separately operated. This food sales component shall be considered as part of the food service establishment. Such term shall not include the following:

(a) A “food sales establishment” as defined in the O.C.G.A. Section 26-2-21 and subject to regulation by the Georgia Commissioner of Agriculture, except as otherwise in this paragraph.

(b) The food service component of any food sales establishment defined in O.C.G.A. Section 26-2-21;

(c) Any outdoor recreation activity sponsored by the state, a county, a municipality, or any department or entity thereof, any outdoor or indoor (other than school cafeteria food service) public school function, or any outdoor private school function;

(d) Any organization which is operating on its own property or on the property of a party that has provided written consent for the use of such property for such purpose and which is exempt from taxes under O.C.G.A. Section 48-7-25(a)(1) or under Section 501(d) or paragraphs (1) through (8) or paragraph (10) of Section 501 (c) of the Internal Revenue Code for the purpose of operating a house or other residential structures where seriously ill or injured children and their families are provided temporary accommodations in proximity to their treatment hospitals and where food is prepared, served, transported, or stored by volunteer personnel;

(e) Establishments for the preparation and serving of meals, lunches, short orders, sandwiches, frozen desserts, or other edible products if such preparation or serving is an authorized part of and occurs upon the site of an event which:

1. Is sponsored by a political subdivision of this state;
2. Is held on the property of such sponsor or on the property of a party that has provided written consent for use of such property for such event; and
3. Lasts 120 hours or less; or

(f) Nonprofit food sales and food service provided under a permit issued pursuant to O.C.G.A 26-2-391.

(g) “Cottage food operator” or “cottage food production operation” as defined in O.C.G.A. § 26-2-470 and governed by Article 19 of Chapter 2 of Title 26.

(65) **“Food service manager”** means any person who supervises or trains a food service worker to follow all food safety regulations. The manager shall be an employee of the permitted food service establishment.

(66) **“Food vending location”** means a fixed property location where a mobile food service unit or extended food service unit parks to offer its food products to its consumer or a route along a street that a mobile food service unit travels and periodically stops, at predetermined dates and times, to offer its food products to its consumers. The established boundaries of a City, County, the State of Georgia, or any combination thereof, shall not be used to define a food vending location.

(67) **“Game animal”** means an animal, the products of which are food, that is not classified as livestock, sheep, swine, goat, horse, mule, or other equine in 9 CFR 301.2 - Definitions, or as poultry, or fish. It includes mammals such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, opossum, raccoon, nutria, or muskrat, and nonaquatic reptiles such as land snakes, but does not include ratites.

(68) **“General public”** means all individuals who have access to facilities that prepare and serve or sell food, including but not limited to, beneficiaries of governmental or private charitable feeding programs such as soup kitchens; and residents and employees of institutions that provide meals to their residents or employees either with or without direct payment to the institution by the residents or employees such as nursing homes, personal care homes with 25 or more beds, and residential childcare institutions with 13 or more children. It does not include:

(a) Residents of private homes or home environments where residents take part in preparing and serving their own meals;

(b) Guests in private homes; or

(c) Participants in a pot-luck dinner, covered dish supper, or similar event in which the food is prepared or contributed by the participants.

(69) **“General use pesticide”** means a pesticide that is not classified by EPA for restricted use as specified in 40 CFR 152.175 - Pesticides Classified for Restricted Use.

(70) **“Grade A standards”** means the requirements of the United States Public Health Service/FDA “Grade A Pasteurized Milk Ordinance” with which governs certain fluid and dry milk and milk products.

(71) **“HACCP plan”** means a written document that specifies the formal procedures for following the Hazard Analysis Critical Control Point principles developed by The National Advisory Committee on Microbiological Criteria for Foods.

(72) **“Handwashing sink”** means a lavatory, a basin or vessel for washing, a wash basin, or a plumbing fixture especially placed for use in personal hygiene and designed for the washing of the hands and it includes an automatic handwashing facility.

(73) **“Hazard”** means a biological, chemical, or physical property that may cause an unacceptable consumer health risk.

(74) **“Health Authority”** means the Department, or a County Board of Health acting as its agent.

(75) **“Health practitioner”** means a physician licensed to practice medicine, or if allowed by law, a nurse practitioner, physician assistant, or similar medical professional.

(76) **“Hermetically sealed container”** means a container that is designed and intended to be secure against the entry of microorganisms and, in the case of low acid canned foods, to maintain the commercial sterility of its contents after processing.

(77) **“Highly susceptible population”** means persons who are more likely than other people in the general population to experience foodborne disease because they are immunocompromised, preschool age children, or older adults and obtaining food at a facility that provides services such

as custodial care, health care, or assisted living, such as a child or adult day care center, kidney dialysis center, hospital or nursing home, or nutritional or socialization services such as a senior center.

(78) **“Imminent health hazard”** means a product, practice, circumstance, or event that may pose a significant risk of injury or illness to food service employees or to members of the public if not promptly corrected or halted.

(79) **“Incubator food service establishment”** means a food service establishment properly sized, designed, equipped, and managed to foster other food industry entrepreneurs, such as caterers, by covering the capital startup-cost through the provision of a commercial food service kitchen. These commercial food service kitchen facilities are rented to incubatees/members on a separation of time and space basis. The incubator food service establishment, also known as a kitchen incubator or shared kitchen, enables a food service operation to develop to the stage where it may invest in its own commercial food service establishment equipment and facilities. At the time of adoption of this Chapter, there are two basic types of incubator food service establishments:

(a) **Business Model A.** A single food service establishment operation that has a single permit holder and incubatees/members are considered to be contractual employees of the permit holder that utilize the food service establishment. In this business model, the layout is an open kitchen in which the incubatees/members operate on a separation of time and space basis.

(b) **Business Model B.** A business relationship in which incubates/members operate within build-out-units and are considered to be contractual employees of a permit holder on a separation of time and space basis. In this business model, the incubator food service establishment must qualify for a permit and would be responsible for the overall facility and each incubatee/member must obtain a permit to operate within the build out units on a separation of time and space basis.

(80) **“Incubatee/Member”** means a food industry entrepreneur who is operating under the authority and active managerial control of a permit holder of an incubator food service establishment on a separation of time and space basis.

(81) **“Initial inspection”** means an inspection of a food service establishment conducted by the Health Authority to determine the food service establishment's compliance with applicable Law and this Chapter for the purpose of the issuance of a permit.

(82) **“Injected”** means manipulating meat by introducing a solution into its interior by processes that are referred to as “injecting,” “pump marinating,” or “stitch pumping”.

(83) **“In-Shell Product”** means non-living, processed shellfish with one or both shells present.

(84) **“Intact Meat”** means a cut of whole muscle(s) meat that has not undergone comminution, injection, mechanical tenderization, vacuum tumbling with solutions, reconstruction, cubing or pounding.

(85) **“Juice”** means the liquid expressed or extracted from one or more fruits or vegetables, purees of the edible portions of one or more fruits or vegetables, or any concentrates of such liquid or puree. It includes juice as a whole beverage, an ingredient of a beverage and a purée as an ingredient of a beverage, but does not include, for purposes of HACCP, liquids, purées, or concentrates that are not used as beverages or ingredients of beverages.

(86) **“Kitchenware”** means food preparation and storage utensils. It does not include tableware.

(87) **“Key drop deliveries”** means a type of delivery in which distributors place products into food service establishments outside of its normal, business hours or when the establishment is closed.

(88) **“Law”** means applicable local, state, and federal statutes, regulations, and ordinances.

(89) **“Limited food preparation”** means no combining of ingredients except the addition of seasonings, toppings or condiments.

(90) **“Linens”** means fabric items such as cloth hampers, cloth napkins, tablecloths, wiping cloths, and work garments including cloth gloves.

(91) **“Major food allergen”** means milk, egg, fish (such as bass, flounder, cod, and including crustacean such as crab, lobster, or shrimp), tree nuts (such as almonds, pecans, or walnuts), wheat, peanuts, soybeans and sesame; or a food ingredient that contains protein derived from a food specified in this definition. It does not include any highly refined oil derived from a major food allergen or any ingredient derived from such highly refined oil; or any ingredient that is exempt under the petition or notification process specified in the Food Allergen Labeling and Consumer Protection Act of 2004 (Public Law 108-282).

(92) **“Meat”** means the flesh of animals used as food including the dressed flesh of cattle, swine, sheep, or goats and other edible animals. It does not include fish, poultry, or wild game animals.

(93) **“Mechanically tenderized”** means manipulating meat by piercing with a set of needles, pins, blades or any mechanical device, which breaks up muscle fiber and tough connective tissue, to increase tenderness. This includes injection, scoring, and processes which may be referred to as “blade tenderizing”, “jaccarding”, “pinning”, or “needling.”

(94) **“mg/L”** means milligrams per liter, which is the metric equivalent of parts per million (ppm).

(95) **“Mobile catering unit”** means a trailer, pushcart, vehicle or other similar conveyance operating as part of a permitted catering food service establishment. This term shall include any conveyance used in conjunction with a catering operation, whether or not food is prepared or served in the conveyance.

(96) **“Mobile food service establishment”** means a mobile food service unit operating from a single base of operation and under the managerial authority of one permit holder.

(97) “**Mobile food service unit**” means an independent trailer, motor driven or manually propelled pushcart, food truck, watercraft, movable portable structure, vehicle vendor or any other similar conveyance which is not connected to a permanent water supply or sewer disposal system and from which food is offered for sale or service.

(98) “**Molluscan shellfish**” means any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions thereof, except when the scallop product consists only of the shucked adductor muscle. Molluscan shellfish includes shellstock, shucked shellfish and in-shell products.

(99) “**Non-continuous cooking**” means the cooking of food in a food establishment using a process in which the initial heating of the food is intentionally halted so that it may be cooled and held for complete cooking at a later time prior to sale or service. Non-continuous cooking does not include cooking procedures that only involve temporarily interrupting or slowing an otherwise continuous cooking process.

(100) “**Packaged**” means bottled, canned, cartoned, securely bagged or securely wrapped, whether packaged in a food service establishment or a food processing plant. It does not include a wrapper, carry-out box or other nondurable container used to containerize food with for the purpose of protecting food during or delivery to the consumer.

(101) “**Permit**” means the document issued by the Health Authority that authorizes a person to operate a food service establishment and signifies satisfactory compliance with these rules.

(102) “**Permit holder**” means the person who possesses a valid permit to operate a food service establishment and is legally responsible for the operation of the food service establishment such as the owner, the owner's agent, or other person.

(103) “**Person or Persons**” means any individual, firm, partnership, corporation, trustee, or association, or combination thereof.

(104) “**Person in charge**” means the permit holder, the certified food safety manager (CFSM), or individual present at a food service establishment who is responsible for managing food safety of the operation at the time of inspection. If no individual has been designated as the person in charge at the time of inspection, then any employee present may be considered the person in charge by the Health Authority.

(105) “**Personal care items**” means items or substances that may be poisonous, toxic or a source of contamination and are used to maintain or enhance a person's health, hygiene or appearance. They include items such as medicines; first aid supplies; cosmetics; and toiletries such as toothpaste and mouthwash.

(106) “**pH**” means the symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution. Values between zero and

seven indicate acidity and values between seven and fourteen indicate alkalinity. The value for pure distilled water is seven, which is considered neutral.

(107) “**Physical facilities**” means the structure, playground areas, and interior surfaces of a food service establishment including accessories such as soap and towel dispensers and attachments such as light fixtures and heating or air conditioning system vents.

(108) “**Plumbing fixture**” means a receptacle or device that is permanently or temporarily connected to the water distribution system of the premises and demands a supply of water from the system or discharges used water, waste materials, or sewage directly or indirectly to the drainage system of the premises.

(109) “**Plumbing system**” means the water supply and distribution pipes; plumbing fixtures and traps; soil, waste, and vent pipes; sanitary and storm sewers and building drains, including their respective connections, devices, and appurtenances within the premises; and water-treating equipment.

(110) “**Poisonous or toxic materials**” means substances that are not intended for ingestion and are included in any one of these categories:

(a) Cleaners and sanitizers, which include cleaning and sanitizing agents and agents such as caustics, acids, drying agents, polishes and other chemicals; Pesticides, except sanitizers, which include substances such as insecticides and rodenticides;

(b) Substances necessary for the operation and maintenance of the establishment such as nonfood grade lubricants and personal care items that may be deleterious to health; or

(c) Substances that are not necessary for the operation and maintenance of the establishment and are on the premises for retail sale, such as petroleum products and paints.

(d) “**Restricted Use Pesticide**” means a pesticide product that contains the active ingredients specified in 40 CFR 152.175 Pesticides classified for restricted use, and that is limited to use by or under the direct supervision of a certified applicator.

(111) “**Pop-up food service operation**” means the sale of food to a limited group of customers by a permitted food service establishment, coordinated through a facilitator, at an off-site location within a building or enclosed courtyard that has been approved by the Health Authority.

(112) “**Poultry**” means any domesticated bird (chickens, turkeys, ducks, geese, guineas, ratites, or squabs), whether live or dead, as defined in 9 CFR 381.1 - Poultry Products Inspection Regulations, Definitions, Poultry; and any migratory waterfowl or game bird, pheasant, partridge, quail, grouse, or pigeon, whether live or dead, as defined in 9 CFR 362.1 - Voluntary Poultry Inspection Regulations, Definitions.

(113) “**Premises**” means and includes all physical buildings, appurtenances, parking lots and all property owned or used by the food service establishment.

(114) **“Preparation of food”** means to put together or make by combining ingredients and processing food for final service.

(115) **“Primal cut”** means a basic major cut into which carcasses and sides of meat are separated, such as a beef round, pork loin, lamb flank, or veal breast.

(116) **“Priority item”** means a provision in this Chapter whose application contributes directly to the elimination, prevention or reduction to an acceptable level, hazards associated with foodborne illness or injury and there is no other provision that more directly controls the hazard. Priority item includes items with a quantifiable measure to show control of hazards such as cooking, reheating, cooling, and handwashing. Priority items are identified in this Chapter with a superscript P - ^P.

(117) **“Priority foundation item”** means a provision in this Chapter whose application supports, facilitates or enables one or more priority items. It includes an item that requires the purposeful incorporation of specific actions, equipment or procedures by industry management to attain control of risk factors that contribute to foodborne illness or injury such as personnel training, infrastructure or necessary equipment, HACCP plans, documentation or record keeping, and labeling. Priority foundation items are identified in this Chapter with a superscript Pf - ^{Pf}.

(118) **“Public water system”** has the meaning stated in 40 CFR 141 - National Primary Drinking Water Regulations.

(119) **“Pushcart”** means a human propelled, self-contained, enclosed food service cart that operates at predetermined locations as approved by the Health Authority. Its menu is limited to the preparation and serving of hot dogs or fully cooked encased sausages requiring reheating only, condiments such as commercially prepared chili dispensed from approved dispensers, and commercially prepared, prepackaged, time/temperature control for safety foods such as burritos and tamales, served in their original packaging, requiring reheating only or limited to serving non-time/temperature control for safety foods.

(120) **“Ratite”** means a flightless bird such as an emu, ostrich, or rhea.

(121) **“Ready-to-eat food”** means food that is in a form that is edible without additional preparation to achieve food safety; is a raw or partially cooked animal food and the consumer is advised; or is prepared in accordance with a variance that is granted, and may receive additional preparation for palatability or aesthetic, epicurean, gastronomic, or culinary purposes. It includes:

- (a) Raw animal food that is cooked as specified under DPH Rule 511-6-1-.04(5)(a) or (b) or frozen as specified under DPH Rule 511-6-1-.04(5)(e);
- (b) Raw fruits and vegetables that are washed;
- (c) Plant foods that are cooked for hot holding;

- (d) All time/temperature control for safety food that is cooked to the temperature and time required for the specific food and cooled;
- (e) Plant food for which further washing, cooking, or other processing is not required for food safety, and from which rinds, peels, husks, or shells, if naturally present are removed;
- (f) Substances derived from plants such as spices, seasonings, and sugar;
- (g) A bakery item such as bread, cakes, pies, fillings, or icing for which further cooking is not required for food safety;
- (h) The following products that are produced in accordance with USDA guidelines and that have received a lethality treatment for pathogens: dry, fermented sausages, such as dry salami or pepperoni; salt-cured meat and poultry products, such as prosciutto ham, country cured ham, and Parma ham; and dried meat and poultry products, such as jerky or beef sticks; and
- (i) Foods manufactured as specified in 21CFR Part 113 - Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers.
- (j) “Ready-to-eat food” does not include:
 - i. Commercially packaged food that bears a manufacturer's cooking instructions; and
 - ii. Food for which the manufacturer has provided information that it has not been processed to control pathogens.

(122) **“Reduced oxygen packaging”** means the reduction of the amount of oxygen in a package by removing oxygen; displacing oxygen and replacing it with another gas or combination of gases; or otherwise controlling the oxygen content to a level below that normally found in the atmosphere (approximately 21% at sea level); and a process specified in this definition that involves a food for which the hazards *Clostridium botulinum* or *Listeria monocytogenes* require control in the final packaged form. It includes:

- (a) Vacuum packaging, in which air is removed from a package of food and the package is hermetically sealed so that a vacuum remains inside the package;
- (b) Modified atmosphere packaging, in which the atmosphere of a package of food is modified so that its composition is different from air, but the atmosphere may change over time due to the permeability of the packaging material or the respiration of the food. Modified atmosphere packaging includes reduction in the proportion of oxygen, total replacement of oxygen, or an increase in the proportion of other gases such as carbon dioxide or nitrogen;
- (c) Controlled atmosphere packaging, in which the atmosphere of a package of food is modified so that until the package is opened, its composition is different from air, and continuous control of that atmosphere is maintained, such as by using oxygen scavengers or a combination of total replacement of oxygen, nonrespiring food, and impermeable packaging material;

(d) Cook chill packaging, in which cooked food is hot filled into impermeable bags that are then sealed or crimped closed. The bagged food is rapidly chilled and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens; or

(e) Sous vide packaging, in which raw or partially cooked food is vacuum packaged in an impermeable bag, cooked in the bag, rapidly chilled, and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens.

(123) “**Refuse**” means solid waste that is not carried by water through the sewage system.

(124) “**Reminder**” means a written statement concerning the health risk of consuming animal foods raw, undercooked, or without otherwise being processed to eliminate pathogens.

(125) “**Re-service**” means the transfer of food that is unused and returned by a consumer after being served or sold and in the possession of the consumer, to another person.

(126) “**Restrict**” means to limit the activities of a food employee so that there is no risk of transmitting a disease that is transmissible through food and the food employee does not work with exposed food, clean equipment, utensils, linens, or unwrapped single-service or single-use articles.

(127) “**Restricted egg**” means any check, dirty egg, incubator reject, inedible, leaker, or loss as defined in 9 CFR 590.

(128) “**Restricted use pesticide**” means a pesticide product that contains the active ingredients specified in 40 CFR 152.175 - Pesticides Classified for Restricted Use and that is limited to use by or under the direct supervision of a certified applicator.

(129) “**Risk**” means the likelihood that an adverse health effect will occur within a population as a result of a hazard in a food.

(130) “**Routine inspection**” means the first complete inspection of a food service establishment conducted by the Health Authority after the initial inspection for issuance of a permit. For purposes of routine enforcement of this Chapter, it is also the normal routine monitoring of the food service establishment by the Health Authority to assess satisfactory compliance with the provisions of the Chapter.

(131) “**Safe material**” means:

(a) An article manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food;

(b) An additive that is used as specified in Sections 409 of the Federal Food, Drug, and Cosmetic Act; or

(c) Other materials that are not additives and that are used in conformity with applicable regulations of the Food and Drug Administration.

(132) “**Sanitization**” means the application of cumulative heat or chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of 5 logs, which is equal to a 99.999% reduction of representative disease microorganisms of public health importance.

(133) “**Sealed**” means free of cracks or other openings that allow the entry or passage of moisture.

(134) “**Service animal**” means an animal such as a guide dog or signal dog, that has been specifically trained to provide assistance to an individual with a disability as determined by the Americans with Disabilities Act.

(135) “**Servicing area**” means an operating base location to which a mobile food service unit or transportation vehicle returns at least once daily for such things as vehicle and equipment cleaning, discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding food.

(136) “**Sewage**” means liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.

(137) “**Shellfish certification number**” means a unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish dealer according to the provisions of the National Shellfish Sanitation Program.

(138) “**Shellfish control authority**” means a state, federal, foreign, tribal, or other government entity legally responsible for administering a program that includes certification of molluscan shellfish harvesters and dealers for interstate commerce.

(139) “**Shellstock**” means live molluscan shellfish in the shell.

(140) “**Shiga toxin - producing *Escherichia coli***” (STEC) means any *E. coli* capable of producing Shiga toxins (also called verocytotoxins). STEC infections can be asymptomatic or may result in a spectrum of illness ranging from mild non-bloody diarrhea, to hemorrhagic colitis (i.e., bloody diarrhea), to hemolytic uremic syndrome (HUS - a type of kidney failure). Examples of serotypes of STEC include *E. coli* O157:H7; *E. coli* O157:NM; *E. coli* O26:H11; *E. coli* O145:NM; *E. coli* O103:H2; and *E. coli* O111:NM. STEC are sometimes referred to as VTEC (verocytotoxigenic *E. coli*) or as EHEC (enterohemorrhagic *E. coli*). EHEC are a subset of STEC which can cause hemorrhagic colitis or HUS.

(141) “**Shucked shellfish**” means molluscan shellfish that have both shells removed.

(142) “**Single-service articles**” means tableware, carry-out utensils, cups, lids or closures, plates, napkins, doilies, bags, containers, placemats, stirrers, straws, toothpicks, and wrappers that are intended to be used once by one person and then discarded.

(143) **“Single-use articles”** means utensils and bulk food containers designed and constructed to be used once and discarded. It includes items such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles and number ten cans which are not considered durable and cannot be cleaned and sanitized by an approved method.

(144) **“Slacking”** means the process of moderating the temperature of a food such as allowing a food to gradually increase from a temperature of -23°C (-10°F) to -4°C (25°F) in preparation for deep-fat frying or to facilitate even heat penetration during the cooking of previously block-frozen food such as shrimp.

(145) **“Smooth”** means a surface that has no roughness or projections that render it difficult to clean or maintain in a sanitary condition.

(146) **“Special food service operation”** means a mobile food service establishment, an extended food service establishment, a temporary food service establishment, a “pop-up” food service operation, a catering food service establishment, or an incubator food service establishment.

(147) **“State Office Standard-Trainer”** means State Environmental Health Office personnel at the Program Consultant level who have been appointed by the State Food Service Program Director to train and standardize district appointed environmental health specialist to become District Standard-Trainers and to monitor district standardization activities as well. In addition, these individuals must successfully complete a standardization exercise and receive standardization certification from the State Environmental Health Section and/or United States Food and Drug Administration (FDA) prior to being assigned duties and responsibilities of a standard-trainer.

(148) **“Table-mounted equipment”** means equipment that is not portable and is designed to be mounted off the floor on a table, counter, or shelf.

(149) **“Tableware”** means eating, drinking, and serving utensils for table use such as flatware including forks, knives, and spoons; hollowware including bowls, cups, serving dishes, and tumblers; and plates.

(150) **“Temperature measuring device”** means a thermometer, thermocouple, thermistor, or other device that indicates the temperature of food, air, or water.

(151) **“Temporary food service establishment”** means a food service establishment that operates at the same location for a period of no more than 14 consecutive days in conjunction with a single event or celebration.

(152) **“Time/Temperature Control for Safety food” (formerly “potentially hazardous food” or “PHF”)**

(a) “Time/Temperature Control for Safety food” means a food that requires Time/Temperature Control for Safety (TCS) to limit pathogenic microorganism growth or toxin formation.

(b) “Time/Temperature Control for Safety food” includes an animal food that is raw or heat-treated; a plant food that is heat-treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes or mixtures of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation, or garlic-in-oil mixtures that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation; and except as specified in 3.(iv) of this definition, a food that because of the interaction of its a_w and pH values is designated as Product Assessment required (PA) in Table A or B of this definition:

Table A. Interaction of pH and a_w for control of spores in food heat-treated to destroy vegetative cells and subsequently packaged.

a_w values	pH values		
	4.6 or less	> 4.6 - 5.6	> 5.6
< 0.92	non-TCS food*	non-TCS FOOD	non-TCS FOOD
> 0.92 - .95	non-TCS food	non-TCS FOOD	PA**
> 0.95	non-TCS food	PA	PA

* TCS food means Time/Temperature Control for Safety food

** PA means Product Assessment required

Table B. Interaction of pH and a_w for control of vegetative cells and spores in food not heat-treated or heat-treated but not packaged.

a_w values	pH values			
	< 4.2	4.2 - 4.6	> 4.6 - 5.0	> 5.0
< 0.88	non-TCS food*	non-TCS food	non-TCS food	non-TCS food
> 0.88 - 0.90	non-TCS food	non-TCS food	non-TCS food	PA**
> 0.90 - 0.92	non-TCS food	non-TCS food	PA	PA
0.92	non-TCS food	PA	PA	PA

* TCS food means Time/Temperature Control for Safety food

** PA means Product Assessment required

(c) “Time/Temperature Control for Safety food” does not include:

1. An air-cooled hard-boiled egg with shell intact, or an egg with shell intact that is not hard-boiled, but has been pasteurized to destroy all viable *salmonellae*;
2. A food in an unopened hermetically sealed container that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution;
3. A food that because of its pH or a_w value, or interaction of A_w and pH values, is designated as a non-TCS food in Table A or B of this definition;
4. A food that is designated as Product Assessment required (PA) in Table A or B of this definition and has undergone a Product Assessment showing that the growth or toxin formation of pathogenic microorganisms that are reasonably likely to occur in that food is precluded due to:
 - (i) Intrinsic factors including added or natural characteristics of the food such as preservatives, antimicrobials, humectants, acidulants, or nutrients,
 - (ii) Extrinsic factors including environmental or operational factors that affect the food such as packaging, modified atmosphere such as reduced oxygen packaging, shelf life and use, or temperature range of storage and use, or
 - (iii) A combination of intrinsic and extrinsic factors; or
5. A food that does not support the growth or toxin formation of pathogenic microorganisms even though the food may contain a pathogenic microorganism or chemical or physical contaminant at a level sufficient to cause illness or injury.

(153) “**Tobacco Product**” has the meaning stated in the Federal Food, Drug and Cosmetic Act § 201(rr) (21 U.S.C. § 321(rr)).

(154) “**USDA**” means the U.S. Department of Agriculture.

(155) “**Utensil**” means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food, such as kitchenware or tableware that is multiuse, single-service, or single-use; gloves used in contact with food; temperature sensing probes of food temperature measuring devices; and probe-type price or identification tags used in contact with food.

(156) “**Variance**” means a written document issued by the Department that authorizes a modification or waiver of one or more requirements of this Chapter if, in the opinion of the Department, a health hazard or nuisance will not result from the modification or waiver.

(157) “**Vehicle vender**” means a foodservice unit mounted on a vehicle registered with the Georgia Department of Revenue, Division of Motor Vehicles and approved for street usage, designed to be readily movable, and which serves multiple locations on a daily basis along a route which is approved by the Health Authority. It operates on a grab-and-go basis in which the consumer selects packaged food from holding equipment and pays the driver of the vehicle. The

majority of food is processed, packaged in individual portions, and labeled at the base of operation for service to the consumer. However, some foods may be purchased for sale from licensed food distributors.

(158) “**Vending machine**” means a self-service device that, upon insertion of a coin, paper currency, token, card, or key, or by optional manual operation, dispenses unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation.

(159) “**Vending machine location**” means the room, enclosure, space, or area where one or more vending machines are installed and operated and includes the storage areas and areas on the premises that are used to service and maintain the vending machines.

(160) “**Warewashing**” means the cleaning and sanitizing of utensils and food-contact surfaces of equipment.

(161) “**Whole-muscle, intact beef**” means whole muscle beef that is not injected, mechanically tenderized, reconstructed, or scored and marinated, from which beef steaks may be cut.

Authority: O.C.G.A. §§ 31-2A-6, 26-2-373, 379