

### 3-3 PROTECTION FROM CONTAMINATION AFTER RECEIVING

#### \*3-301 Preventing Contamination from Hands (Effective March 1, 2007)

- A. Food employees shall wash their hands as specified under §2-402.
- B. Food employees shall minimize bare hand and arm contact with exposed food that is not in a ready-to-eat form.
- C. Except when washing fruits and vegetables as specified under §3-305(a) or except as specified in (D) of this section, food employees may not contact exposed, ready-to-eat food with their bare hands and shall use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment.
- D. Food employees not serving a highly susceptible population (“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 they obtain 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.) may contact exposed, ready-to-eat food with their bare hands if:
  1. Written procedures are maintained in the food establishment and made available to the regulatory authority upon request that include:
    - a) A listing of the ready-to-eat food categories that are touched by bare hands;
    - b) Handwashing facilities are, equipped, maintained, are easily accessible and in proximity to the work station(s) where the bare hand contact procedure is conducted as specified under §5-208 B, C, D, E;
    - c) A written employee health policy that details how the food establishment will comply with §2-201, §2-202, §2-203, §2-204, §2-205 and §2-206 including health conditions upon which the food employee will not be allowed to work and acknowledgement of their responsibilities as specified under §2-201 and §2-202;
    - d) An employee training program that includes:
      - i. The risks of contacting the ready-to-eat foods with bare hands;
      - ii. Proper handwashing as specified under §2-401;
      - iii. When to wash their hands as specified under §2-402;
      - iv. Where to wash their hands as specified under §2-404;
      - v. Proper fingernail maintenance as specified under §2-405 A;
      - vi. Prohibition of jewelry as specified under §2-407 A; and
      - vii. Good hygienic practices as related to §2-501 and §2-502.
  2. Hands are washed prior to food preparation and as necessary to prevent cross contamination as specified under §2-401, §2-402, and §2-404 by food employees during all hours of operation when the specific ready-to-eat foods are prepared.
  3. In addition to the requirements specified in §2-402 “When to Wash”, food employees contacting ready-to-eat foods with bare hands utilize two or more of the following control measures to provide additional safeguards to hazards associated with bare hand contact:
    - a) Double handwashing;
    - b) Nail brushes;

- c) A hand antiseptic after handwashing as specified under §2-403;
  - d) Incentive programs that encourage food employees not to work when they are ill with a communicable disease that can be transmitted by foods as specified in §2-201; or
  - e) Other control measures approved by the regulatory authority.
4. Corrective actions are immediately taken when subparagraphs D (1) - (3) of this section are not followed.
- E. If a food establishment is found to be in non-compliance with the requirements listed in subparagraphs D (1) - (4) and a civil penalty has been issued in accordance with C.R.S., §25-4-1611 as a result of this non-compliance the regulatory authority may revoke the food establishment's allowance for food employees to contact ready-to-eat foods with their bare hands.
- F. If the allowance for a food establishment to contact ready-to-eat foods with bare hands is voluntarily discontinued by the food establishment or revoked as provided for in subparagraph E, a food establishment may not reinstate bare hand contact with ready-to-eat foods without prior written approval from the regulatory authority.