

Sec. 19-13-B52. Food or beverage vending machine operations

No person, firm or corporation shall operate or maintain within the state any self-service vending machine offered for public use which, upon insertion of a coin, coins or token or by other means, dispenses unit servings of food or beverages, either in bulk or package, without replenishing the device between each vending operation, except after compliance with the following requirements:

(a) All foods, beverages and ingredients offered for sale through vending machines shall be manufactured, processed and prepared in establishments which comply with all applicable local, state and federal laws and regulations. All packaged foods or beverages shall be labeled in compliance with the Uniform Food, Drug and Cosmetic Act* as to contents and source. A clearly identifiable plate or tag indicating the name and address of the person, firm or corporation responsible for service shall be attached in a conspicuous place to any vending machine in use.

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(b) All foods, beverages and ingredients offered for sale through vending machines shall be wholesome and free from spoilage, contamination and adulteration.

(c) Prior to sanitary storage in a vending machine, all foods, beverages, and ingredients, including accessory foods and implements, shall be stored or packaged in clean protective containers and shall be handled, transported and vended in a sanitary manner. Wet storage of package products is prohibited.

(d) * * * *Potentially hazardous* food or drink (examples are custard-filled and cream-filled pastries, milk and milk products, egg products, meat, fish, fowl, shellfish, gravy, and those sauces, dressings, stuffings and salads, which contain meat, fish, fowl, eggs, milk or milk products) offered for sale through vending machines shall be dispensed to the consumer in the individual original container or wrapper into which it was placed at the plant of the manufacturer, processor or distributor, or such products shall be dispensed into single service containers. In those vending machines dispensing * * * *potentially hazardous* foods, beverages or ingredients in bulk, the bulk supplies of such foods, beverages or ingredients shall be transferred only to a bulk vending machine container and appurtenances which are clean and have been subjected to an approved * * * *sanitizing* process. * * * *Potentially hazardous* foods or ingredients within the vending machine shall be maintained at a temperature * * * *of 45°F., or below* or a temperature of 140°F or above. Vending machines dispensing * * * *potentially hazardous* foods shall be provided with controls which insure the maintenance of said temperatures at all times; provided an exception may be made for the actual time required to fill or otherwise service the machine and for a maximum recovery period of thirty minutes following completion of filling or servicing operations and for the period of heating refrigerated foods to be served hot. Such controls shall also place the machine in an inoperative condition until serviced by the operator, in the event of power failure or other condition which permits the food storage compartment to attain a temperature above 45°F. or below 140°F., whichever is applicable. Vending machines dispensing * * * *potentially hazardous* food shall be provided with a thermometer which, to an accuracy of plus or minus 2°F., indicates the air temperature of the food storage compartment. In case of any shut-down of the temperature regulating equipment for a period longer than two hours or in any case where * * * *potentially hazardous* food has been

adversely affected by change of temperature following a shut-down, * * * *potentially hazardous* food shall be removed from the vending machine and discarded. * * * *Potentially hazardous* foods and beverages while in transit shall be maintained at a temperature not higher than 45°F. or not lower than 140°F., *whichever is applicable*.

(e) Milk and fluid milk products offered for sale through vending machines shall be dispensed only in individual, original containers or from bulk containers into which such product was placed at the milk plant; provided, in the case of vending machines that use fluid milk products as an ingredient in hot liquid foods or beverages, such milk product may be transferred at the machine location from the individual, original container of not more than one-half gallon capacity to a vending machine bulk container which is clean and has been subjected to an approved * * * *sanitizing* process in accordance with subsection (g), * * * *and provided* in such transfer the entire contents of the individual, original container *shall be* used.

(f) All multi-use parts of any bulk milk vending machine which come into direct contact with the milk or milk product shall be effectively cleaned and * * * *sanitized* at the milk plant; provided single-service dispensing tubes which receive * * * *sanitizing* treatment at the fabricating plant and which are individually packaged in such manner as to preclude contamination are exempted from this provision. The can or other bulk milk container shall be filled only at the milk plant and shall be sealed with two seals in such manner as to make it impossible to withdraw any part of its contents without breaking one seal and make it impractical to introduce any substance without breaking the other seal. The delivery tube and any milk contact parts of the dispensing device shall be attached at the milk plant and shall be protected by a moisture-proof covering or housed in a compartment with a moisture-tight closure, which shall not be removed until after the container is placed in the refrigerated compartment of the vending machine.

(g) With the exception of product contact surfaces of bulk milk vending machines for which separate provisions for cleaning and * * * *sanitizing* are specified in subsection (f), all multi-use containers or parts of vending machines which come into direct contact with * * * *potentially hazardous* foods, beverages or ingredients shall be removed from the machine daily and shall be thoroughly cleaned and effectively subjected to an approved * * * *sanitizing* process at the plant of the producer or distributor or other approved facility; provided the requirement for daily cleaning and * * * *sanitizing* treatment may be waived for those contact surfaces which are maintained at all times at a temperature of not higher than 45°F. or at a temperature of not lower than 140°F., *whichever is applicable*. * * * Contact surfaces shall receive such periodic cleaning and * * * *sanitizing* treatment as may be necessary. All parts, after cleaning and * * * *sanitizing* treatment, shall be protected from contamination.

(h) All parts of vending machines which come into direct contact with other than * * * *potentially hazardous* foods shall be thoroughly cleaned and subjected to * * * *sanitizing* treatment.

(i) All single service containers, which receive food or beverage from machines dispensing such products in bulk, shall be purchased in sanitary cartons or packages which protect the containers from contamination, shall be stored in a clean dry place until used and shall be handled in a sanitary manner. Such containers shall be stored in the original

carton or package in which they were placed at the point of manufacture until introduced into the container magazine or dispenser of the vending machine. Single service containers stored within the vending machine shall be protected from manual contact, dust, insects, rodents and other contamination.

(j) Each vending machine shall be located in a well-lighted room, area, or space which can be maintained in a clean condition and which is protected from overhead leakage from drains and piping *or other contamination*. Each vending machine shall be located so that the space around and under the machine can be readily cleaned and so that insect and rodent harborage is not created.

(k) The floor area upon which vending machines are located shall be *in good repair*, reasonably smooth and of cleanable construction, and be capable of withstanding repeated washing and scrubbing. This space and the immediate surroundings of each vending machine shall be maintained in a clean condition.

(l) The exterior construction of the vending machine shall be such as to facilitate cleaning and to minimize the entrance of insects and rodents, and the exterior of the machine shall be kept clean. Service connections shall be such as to protect against unintentional or accidental interruption of service to the machine.

(m) All interior surface and component parts of the vending machine shall be so designed and constructed as to permit easy cleaning, and shall be kept clean. All product contact surfaces of the machine shall be of smooth, nontoxic, corrosion resistant, and relatively nonabsorbent material, and shall be capable of withstanding repeated cleaning and * * * *sanitizing* treatment by normal procedures. *Such surfaces* shall be protected against contamination.

(n) Water used in vending machines shall be of a safe and sanitary quality.

(o) In all vending machines which dispense carbonated beverages and which are connected to a water supply system, the ingredient water contact surfaces from the check valves or other protective device downstream, including the device itself, shall be of such materials as to preclude the production of toxic substances which might result from interaction with carbon dioxide or carbonated water. Materials such as copper, lead, zinc or cadmium are not acceptable.

(p) All wastes shall be properly disposed of and, pending disposition, shall be kept in suitable containers so as to prevent creating a nuisance.

(q) Foods, beverages and ingredients, and product contact surfaces of containers, equipment and supplies, shall be protected from contamination while in transit to machine location.

(r) Employees shall keep their hands clean and shall wear clean outer garments while engaged in handling foods or beverages or product contact surfaces of utensils or equipment. No such employee shall resume work after using the toilet room without first washing his hands.

(s) No person, firm or corporation shall operate vending machines as herein described in any town, city or borough without local permits or licenses if such permits or licenses are required by local ordinances, or otherwise without notification of local directors of health of towns, cities or boroughs in which vending machines are located of the name and business address of the operator and the location of the machines. Machines vending only

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beverages in sealed cans or bottles, other than milk or milk products, are excepted from such notification.

(t) The operator of any food or beverage vending machine shall make provision for the local director of health or his representative to have access, either in company with an employee or otherwise, to the interior of all vending machines operated by him. The operator shall promptly comply with a request from the local director of health for such access or inspection.

(u) When so ordered by a local director of health, a vending machine failing to meet the requirements of this regulation shall be removed by any person, firm or corporation operating or maintaining such vending machine.

(Effective October 8, 1963)

Notes: This section is being republished to fix a problem with the appendix file. (May 7, 2018)