**PROPOSAL**

**Maryland Register**

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**Title 10  
MARYLAND DEPARTMENT OF HEALTH**

**Subtitle 15 FOOD**

**10.15.03 Food Service Facilities**

Authority: Health-General Article, §§18-102, 21-101, 21-102, 21-211, 21-234, 21-301, 21-304, 21-308, and 21-330.1, Annotated Code of Maryland

**Notice of Proposed Action**

[20-044-P]

     The Secretary of Health proposes to amend Regulations **.02**, **.06**, **.09**, **.11**, **.15**, **.24—.28**, and **.30** and adopt new Regulation **.40** under **COMAR 10.15.03 Food Service Facilities**.

At this time the Secretary of Health is also withdrawing the proposal to amend Regulations **.02**, **.06**, **.09**, **.15**, **.25**, and **.27** and adopt new Regulation **.40** under **COMAR 10.15.03 Food Service Facilities** that was published in 46:12 Md. R. 559—561 (June 7, 2019).

**Statement of Purpose**

The purpose of this action is to conform regulations to changes made to food safety laws by legislation passed during the 2018 and 2019 General Assembly sessions (Chs. 338, 339, and 491, Acts of 2018, and Chs. 230, 370, and 371, Acts of 2019). The proposed action:

(1) Amends definitions related to cottage foods, micro markets, excluded organizations, and temporary food service facilities;

(2) Makes several corrections, clarifications, and deletions of obsolete text;

(3) Promulgates a new regulation related to the requirements of micro markets;

(4) Adds new methods for the sale of cottage foods;

(5) Conforms storage temperature requirements for crab meat to COMAR 10.15.02;

(6) Specifies food disposal or reconditioning procedures;

(7) Modifies the requirements for a base of operations for mobile food service facilities; and

(8) Clarifies thawing procedures for potentially hazardous foods.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.**This proposal will increase the opportunities for cottage food businesses to sell their products, lengthen the duration of licenses for temporary food service facilities, and establish requirements for the operation of micro markets. These changes will likely benefit businesses, although the Department is unable to estimate the extent or magnitude of these benefits. There is no economic impact to State or local governments, other industries, or the public.

|  |  |  |
| --- | --- | --- |
|  | Revenue (R+/R-) |  |
| **II. Types of Economic Impact.** | Expenditure (E+/E-) | Magnitude |
|  |  | |
|  |  |  |
| A. On issuing agency: | NONE |  |
| B. On other State agencies: | NONE |  |
| C. On local governments: | NONE |  |
|  | | |
|  | Benefit (+) Cost (-) | Magnitude |
|  |  | |
|  |  |  |
| D. On regulated industries or trade groups: | (+) | Indeterminable |
| E. On other industries or trade groups: | NONE |  |
| F. Direct and indirect effects on public: | NONE |  |
| **III. Assumptions.** (Identified by Impact Letter and Number from Section II.) | | |
| D. The proposed action will strengthen cottage food businesses’ ability to sell their products by allowing the sale of cottage foods by personal delivery, by mail order, and through a retail food store. Cottage food businesses will still be limited by a $25,000 cap on annual revenues from the sale of cottage food products, but expanding the ways that sales can be made will positively affect cottage food businesses. The Department is unable to estimate the magnitude of this effect.  The proposal will also increase the time a temporary food service facility may operate from 14 to 30 consecutive days. This will likely lead to a cost savings for temporary food service facilities that operate for longer than 14 calendar days (e.g., food stands that operate on weekends during the summer) and would result in these facilities reapplying for licenses less frequently. This would save the temporary food service facility the licensing fee as well as the time and effort needed to reapply. Licensing fees are set by local health departments and range from $0—$250. The Department cannot estimate the number of temporary food service facilities that would be affected, and the Department is unable to estimate the magnitude of this effect. | | |

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Jake Whitaker, Acting Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through March 2, 2020. A public hearing has not been scheduled.

**.02 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1)—(7) (text unchanged)

(7-1) “Base of operations” means a licensed *food service*facility **[**in Maryland**]** that is used by the owner or operator of a mobile food service facility for food storage, potable water, safe disposal of waste and sewage, and, if necessary, utensil washing.

(8)—(17-1) (text unchanged)

(17-2) “Cottage food product” means:

(a) A non-potentially hazardous food as specified in Regulation .27 of this chapter that is offered for sale **[**only at a farmer’s market or public event; and**]***:*

*(i) Directly to a consumer from a residence, by personal delivery, by mail delivery, at a farmer’s market, or at a public event; or*

*(ii) To a retail food store if the cottage food product remains in the original packaging; and*

(b) A food that is not offered for sale through **[**Internet sales or**]** interstate commerce.

(17-3)—(27) (text unchanged)

(28) “Excluded organization” means a**[**:

(a) Bona**]***volunteer fire company or bona* fide nonprofit fraternal, civic, war veterans’, religious, or charitable organization or corporation that does not serve food to the public more often than 4 days per week, except that once a year an organization may serve food to the public for up to **[**14**]***30* consecutive days**[**; or

(b) Volunteer fire company that does not serve food to the public more often than 4 days per week, except that once a year a volunteer fire company may serve food to the public for up to 30 consecutive days**]**.

(29)—(33) (text unchanged)

(34) Food Service Facility.

(a) (text unchanged)

(b) “Food service facility” includes:

(i)—(ii) (text unchanged)

**[**(iii) An excluded organization either with or without a license that serves potentially hazardous foods.**]**

*(iii) A micro market licensed under Business Regulation Article, Title 17, Subtitle 17, Annotated Code of Maryland, and meeting the requirements of this chapter as a food service facility.*

(c) “Food service facility” does not include a:

(i)—(ii) (text unchanged)

(iii) Food preparation or serving area where **[**only non-potentially hazardous**]** food is prepared or served only by an excluded organization;

(iv)—(vii) (text unchanged)

(35)—(37) (text unchanged)

(38) Health Care Facility.

(a) “Health care facility” means:

(i)—(vi) (text unchanged)

(vii) Another health institution, service, or program for which Health-General Article, **[**§19-114(d)(1)(viii),**]***§19-114(d)(1)(ix),* Annotated Code of Maryland, requires a certificate of need.

(b) (text unchanged)

(39)—(44) (text unchanged)

*(44-1) “Micro market” means an unstaffed, self–checkout retail food service facility that:*

*(a) Includes one or more micro market displays;*

*(b) Has an automated payment kiosk or other device designed to accept electronic payments that is operated by the consumer;*

*(c) Is located indoors and within a separate business; and*

*(d) Is generally accessible only to individuals within the building in which the food service facility is located.*

*(44-2) “Micro market display” means the place where the food being sold by a micro market is displayed, including:*

*(a) An open rack;*

*(b) A refrigerator or a refrigerated cooler;*

*(c) A freezer;*

*(d) A vending machine;*

*(e) A beverage dispenser; or*

*(f) A single-serve coffee brewer.*

(45)—(62) (text unchanged)

*(62-1) “Reconditioned” means reprocessing a food using an approved method that results in a food that is safe, wholesome, and free from contamination.*

(63)—(68) (text unchanged)

*(68-1) Retail Food Store.*

*(a) “Retail food store” means a licensed food service facility that sells prepackaged food items either fresh, refrigerated, frozen, or shelf-stable.*

*(b) “Retail food store” includes a grocery store, convenience store, retail market, retail bakery, or food cooperative.*

*(c) “Retail food store” does not include a restaurant, mobile food service facility, coffee shop, cafeteria, short order café, luncheonette, tavern sandwich shop, produce stand that only offers whole, uncut fresh fruits and vegetables, or establishment that offers only pre-packaged non-potentially hazardous foods.*

(69)—(79) (text unchanged)

(80) “Temporary food service facility” means a food service facility that operates**[**:

(a) In one of the following ways:

(i) Except for a volunteer fire company, at a fixed location for not more than 14 consecutive days; or

(ii) For up to 30 consecutive days if the temporary food service facility is a volunteer fire company; and

(b) In**]***at a fixed location for up to 30 consecutive days in* conjunction with a:

**[**(i)**]***(a)—***[**(vii)**]** *(g)* (text unchanged)

(81)—(86) (text unchanged)

**.06 Food Protection During Storage, Service, and Transport.**

The person-in-charge shall ensure that:

A. (text unchanged)

B. When storing and holding food:

(1)—(6) (text unchanged)

(7) Except as provided in **[**§B(8)—(14)**]***§B(8)—(13)* of this regulation, the internal temperature of a potentially hazardous food is kept at 41°F or less or 135°F or greater;

**[**(8) In existing refrigeration that can cool the food and maintain the food’s internal temperature between 42°F and 45°F, the potentially hazardous food’s internal temperature, except as provided in §B(9)—(14) of this regulation, is kept at 45°F or less pending equipment upgrade as set forth in Regulation .15A(6) of this chapter;**]**

**[**(9)**]***(8)* If pasteurized crab meat, the crab meat’s internal temperature is maintained at **[**38°F**]***41°F* or less;

**[**(10)**]***(9)*—**[**(13)**]***(12)*(text unchanged)

**[**(14)**]***(13)* Using holding temperatures and times other than those specified in this section, the holding temperatures and times are:

(a)—(b) (text unchanged)

(c) Submitted to and approved by the Department based on a review that indicates compliance with **[**§B(14)(a) and(b)**]***§B(13)(a) and (b)* of this regulation;

C. While displaying and serving food:

(1) Except as provided in **[**§§B(8) and C(3)**]***§C(3)* of this regulation, a potentially hazardous cold food that is placed on display is:

(a)—(c) (text unchanged)

(2) Except as provided in **[**§§B(13) and (14)**]** *§§B(12) and (13)* and C(3) of this regulation, a potentially hazardous hot food that is placed on display is:

(a)—(c) (text unchanged)

(3)—(9) (text unchanged)

(10) Except for drinking cups reused by self-service consumers in a manner to prevent cross-contamination, employees and self-service customers do not reuse soiled tableware, including single service articles to:

(a) (text unchanged)

(b) Obtain additional food from display and serving equipment; **[**and**]**

D. During the transportation of food:

(1) Except as provided in **[**§B(8)—(14)**]***§B(8)—(13)* of this regulation, the internal temperature of a potentially hazardous food is maintained at 41°F or below or 135°F or above;

(2)—(3) (text unchanged)

(4) Food is in covered containers or completely wrapped or packaged to protect against contamination**[**.**]***; and*

*E. During the preparation, storage, or service of food:*

*(1) Unsafe or adulterated food is discarded or reconditioned according to an approved procedure by the approving authority;*

*(2) Food that is not from an approved source as specified under Regulation .04 of this chapter is discarded;*

*(3) Ready-to-eat food that may have been contaminated by an employee who has been restricted or excluded as specified under Regulation .14A or B of this chapter is discarded; and*

*(4) Food shall be discarded if it is contaminated by employees, consumers, or other persons through:*

*(a) Contact with their hands;*

*(b) Bodily discharges, such as nasal or oral discharges; or*

*(c) Other means.*

**.09 Food Preparation—Temperature and Cross-Contamination Control.**

The person-in-charge shall ensure that:

A.—C. (text unchanged)

D. Potentially hazardous food is thawed:

(1) In refrigerated units so that the temperature of the food does not exceed 41°F **[**except as provided for in Regulation .06B(8)**]**;

(2)—(3) (text unchanged)

(4) If a potentially hazardous reduced oxygen packaged food:

(a) In the food’s airtight package *at or below 41°F*; **[**and**]**

(b) At **[**or below 38°F;**]***a lower temperature if specified by the manufacturer; or*

*(c) If fish or seafood, completely removed from the reduced oxygen environment or package prior to thawing;*

(5)—(6) (text unchanged)

E.—F. (text unchanged)

**.11 Food Preparation—Cooling and Reheating of Potentially Hazardous Foods.**

The person-in-charge shall ensure that:

A. **[**Except as specified in Regulation .06B(8) of this chapter, a:

(1) Potentially**]** *A potentially*hazardous cooked food’s internal temperature is cooled from 135°F to 70°F within 2 hours and from 70°F to 41°F or less within an additional 4 hours; **[**and**]**

**[**(2)**]***B.* **[**Ready-to-eat**]** *A* potentially hazardous food for cold service, such as *a*reconstituted **[**foods, salads, and canned meat, are**]** *food, salad, or canned meat, is*cooled to an internal temperature of 41°F within 4 hours;

**[**B.**]***C.—***[**C.**]***D.* (text unchanged)

**.15 Food Equipment and Utensils.**

A. The person-in-charge shall ensure that:

(1) Except as provided in **[**§§A(2), (6), and (15)**]***§§A(2) and (14)* and B of this regulation, food equipment meets one or more of the following design standards:

(a)—(e) (text unchanged)

(2)—(5) (text unchanged)

**[**(6) Existing refrigeration equipment used to maintain potentially hazardous foods that is incapable of maintaining the potentially hazardous food at 41°F or less is upgraded or replaced by December 17, 2012;**]**

**[**(7)**]** *(6)—***[**(12)**]** *(11)* (text unchanged)

**[**(13)**]***(12)* Aisles or working spaces between equipment and between equipment and walls are:

(a) (text unchanged)

(b) In a new facility or a facility that is remodeled, a minimum width of:

(i)—(iii) (text unchanged)

(iv) Another width approved by the approving authority based on a review that indicates compliance with **[**§A(13)(a)**]***§A(12)(a)* of this regulation;

**[**(14)**]***(13)* (text unchanged)

**[**(15)**]***(14)* When an existing piece of equipment ceases to operate:

(a) Equipment intended for temporary use is:

(i) (text unchanged)

(ii) **[**Complies**]** *In compliance*with **[**§A(3)—(9)**]***§A(3)—(8)* of this regulation;

(b) Equipment is replaced:

(i) (text unchanged)

(ii) Within 30 working days from the date the permanent replacement plan required in **[**§A(15)(c)**]***§A(14)(c)* of this regulation is accepted by the approving authority; and

(c) (text unchanged)

**[**(16)**]***(15)* (text unchanged)

B. The approving authority may allow the use of equipment that meets **[**§A(3)—(11)**]** *§A(3)****—****(10)*of this regulation but fails to comply with §A(1) of this regulation if a review indicates the equipment and its use are:

(1)—(2) (text unchanged)

**.24 Food Manufacturing in Food Service Facilities.**

A. (text unchanged)

B. The person-in-charge shall ensure that before a food is manufactured in a food service facility:

(1) Plans for the manufacturing:

(a)—(b) (text unchanged)

(c) Include:

(i)—(v) (text unchanged)

(vi) Procedures for maintaining potentially hazardous food as set forth in Regulation **[**.06B(7)—(14)**]***.06B(7)—(13)* of this chapter; and

(vii) (text unchanged)

(2) (text unchanged)

C.—E. (text unchanged)

**.25 Special Food Service Facility.**

A. For a special food service facility that handles only potentially hazardous food that remains in the original container or wrapping and that does not prepare, wrap, or package the food at the facility, the person-in-charge shall ensure that:

(1) Compliance is maintained with Regulations .01—.06, .08, .12—.14, **[**.15A(3)—(6),**]***.15A(3)—(5),* .19—.23, .25, .28—.33, and .35—.39 of this chapter; and

(2) (text unchanged)

B. For a special food service facility that handles food that is removed from the original package or that prepares, packages, or wraps food at the facility, the person-in-charge shall ensure that:

(1) Compliance is maintained with Regulations .01—.06, .08—.14, **[**.15A(3)—(11),**]***.15A(3)—(10),* .16—.25, and .28—.39 of this chapter;

(2)—(5) (text unchanged)

C. For a special food service facility that is a mobile unit, the person-in-charge shall ensure that:

(1)—(5) (text unchanged)

(6) Subject to **[**§C(7) and (8)**]** *§C(8) and (9)* of this regulation, a base of operations is established that provides:

(a)—(e) (text unchanged)

*(7) The base of operation is located within 90 miles of the licensing county;*

**[**(7)**]***(8)* For a mobile food service facility not seeking a mobile reciprocity license, a base of operations as set forth in §C(6) *and (7)* of this regulation is established by May 1, 2020;

**[**(8)**]***(9)***—[**(10)**]** *(11)* (text unchanged)

D.—H. (text unchanged)

**.26 Excluded Organizations.**

A. Pursuant to Health-General Article, §21-304(a)(2), Annotated Code of Maryland, **[**an excluded organization shall**]** *a**volunteer fire company or bona fide nonprofit fraternal, civic, war veterans’, religious, or charitable organization or corporation that does not serve food to the public more often than 4 days per week, except that once a year an organization may serve food to the public for up to 30 consecutive days, may* make:

(1) A **[**non-rescindable**]***rescindable* decision to operate **[**with a license**]** *as a licensed food service facility*and in full compliance with this chapter; or

(2) A decision to operate without a license and in compliance with §§B—E of this regulation, which establish the minimum requirements to ensure food safety at a food **[**service facility**]** *preparation or serving area* operated by an excluded organization without a license.

B. The person-in-charge shall ensure that a food **[**service facility**]***preparation or service area* operated by an excluded organization without a license**[**:

(1) Complies**]***complies* with Regulations **[**.01 —.15A(3)—(11),**]***.01—.15A(3)—(10),* .16—.23, .26—.27, and .29—.39 of this chapter**[**; and

(2) When serving potentially hazardous food, serves only potentially hazardous food:

(a) Prepared at the excluded organization; or

(b) In a licensed food establishment**]**.

C. During the operation of a special food service facility, the person-in-charge of an unlicensed excluded organization shall ensure compliance with:

(1) Regulations .01—.06, .08, .12—.14, **[**.15A(3)—(6),**]** *.15A(3)—(5),* .19—.20, .22B—D, .23, .26, .29—.33, and .35—.39 of this chapter, if the unlicensed excluded organization is a special food service facility that:

(a)—(b) (text unchanged)

(2) Regulations .01—.06, .08—.14, **[**.15A(3)—(11),**]***.15A(3)—(10),* .16—.20, .22B—D, .23, .26, and .29—.39 of this chapter, if the unlicensed excluded organization is a special food service facility that:

(a)—(b) (text unchanged)

D.—E. (text unchanged)

F. The person-in-charge shall ensure that when an unlicensed excluded organization **[**that is a volunteer fire company**]** plans to serve food to the public for up to 30 consecutive days, a written notice is provided to the Department that includes the:

(1)—(3) (text unchanged)

G. (text unchanged)

**.27 Farmer’s Market, Bake Sales, and Cottage Food Business.**

A. The approving authority shall accept as being from an approved source the **[**homemade**]** foodsspecified in §B of this regulation when the foods are:

(1) (text unchanged)

(2) Offered or sold only **[**at a farmer’s market, bake sale, or public event.**]***in the State:*

*(a) Subject to the requirements of §§C(5) and (6) of this regulation, at a retail food store; or*

*(b) Directly to a consumer:*

*(i) At a farmer’s market;*

*(ii) At a bake sale;*

*(iii) At a public event;*

*(iv) By personal delivery; or*

*(v) By mail order.*

B. (text unchanged)

C. Cottage Food Business.

(1) The approving authority shall allow the owner of a cottage food business to sell only cottage food products processed and packaged in Maryland that are:

(a)—(b) (text unchanged)

(c) Prepackaged with a label that contains the following information:

(i)—(v) (text unchanged)

(vi) Nutritional information as specified by federal labeling requirements, if any nutritional information claim is made; **[**and**]**

(vii) Printed in 10 point or larger type in a color that provides a clear contrast to the background of the label: “Made by a cottage food business that is not subject to Maryland’s food safety regulations.”*; and*

*(viii) For a cottage food product offered for sale at a retail food store, the phone number and email address of the cottage food business and the date the cottage food product was made.*

(2)—(4) (text unchanged)

*(5) Before the owner of a cottage food business may sell a cottage food product to a retail food store, the owner shall submit to the Department for review:*

*(a) The label that will be affixed to the cottage food product in accordance with §C(1)(c) of this regulation; and*

*(b) Documentation of the owner’s successful completion of a food safety course in the past 3 years that is approved by the Department and the American National Standards Institute and includes, at a minimum, the following subjects:*

*(i) Basic food safety;*

*(ii) Cleaning and sanitizing;*

*(iii) Personal hygiene;*

*(iv) Pest control and prevention; and*

*(v) Receiving, storing, preparing, and serving food.*

*(6) The owner of a cottage food business may not sell or offer for sale a cottage food product to a retail food store until notified by the Department, in writing, that the requirements stated in §C(5) of this regulation are satisfactorily met.*

D. If the approving authority finds a person to be in violation of any provision of this regulation, the approving authority:

(1) Shall take action against a misbranded or adulterated food **[**at a farmer’s market, bake sale, or public event**]** *offered or sold under this regulation*in accordance with Health-General Article, §§21-211, 21-253, and 21-254, Annotated Code of Maryland; and

(2) May determine that **[**homemade**]** food produced *in a private home kitchen*by the person is not from an approved source.

**.28 Licenses.**

A.—F. (text unchanged)

G. The approving authority may not require a caterer licensed in Maryland to obtain a separate license for each catered event, including events across jurisdictional lines within the State, when the:

(1) (text unchanged)

(2) Event is at a location other than the caterer’s food service facility if the caterer and location comply with Regulations .01—.06, .08—.14, **[**.15A(3)—(9),**]***.15A(3)—(8),* and .18I and L of this chapter.

H.—I. (text unchanged)

J. A local health department:

(1) Shall issue a mobile reciprocity license:

(a) (text unchanged)

(b) To a mobile food service facility that:

(i)—(ii) (text unchanged)

(iii) Is operating within 90 miles of its base of operations*, which shall be located in Maryland*.

(2)—(6) (text unchanged)

K. (text unchanged)

**.30 Food Service Facility Inspections—Types and Frequencies.**

The approving authority shall ensure that:

A. (text unchanged)

B. The person-in-charge is in compliance with critical items when the person-in-charge:

(1)—(3) (text unchanged)

(4) Cools potentially hazardous food:

(a) As set forth in Regulation **[**.11A and B**]***.11A—C* of this chapter; and

(b) (text unchanged)

(5) (text unchanged)

(6) Cooks and reheats potentially hazardous food:

(a) As set forth in Regulations .10 and **[**.11C**]***.11D* of this chapter; and

(b) (text unchanged)

(7)—(8) (text unchanged)

C.—D. (text unchanged)

***.40 Micro Markets.***

*A. The owner or operator of a micro market may not be required to have a person-in-charge present during the hours of operation of the micro market if the micro market meets the requirements of this regulation.*

*B. Food sold at a micro market shall:*

*(1) Be commercially prepackaged food or ready-to-eat food;*

*(2) Be prepackaged in tamper-evident packaging; and*

*(3) Contain all the following information on the packaging label:*

*(a) Nutrition information required by the federal Food, Drug, and Cosmetic Act;*

*(b) A freshness or expiration date; and*

*(c) Any other information required by Maryland law.*

*C. Refrigerated or frozen food sold at a micro market shall be stored and displayed in a refrigerator, refrigerated cooler, or freezer that:*

*(1) Maintains an internal temperature of 41°F or lower;*

*(2) Has self-closing doors;*

*(3) Has doors that allow the food on display to be viewed without opening the door to the refrigerator, refrigerated cooler, or freezer; and*

*(4) Has an automated self-locking feature that prevents a consumer from accessing the food on the occurrence of any condition that results in the failure of the refrigerator, refrigerated cooler, or freezer to maintain the internal temperature required under Regulation .06 of this chapter.*

*D. Signage and Notice. The owner or operator of a micro market shall post a sign that is clearly visible to the consumer near the micro market entryway or while using the electronic payment device that includes the following information:*

*(1) The name of the owner or operator of the micro market to whom complaints and comments regarding the micro market may be addressed;*

*(2) The business mailing address of the owner or operator;*

*(3) The business telephone number of the owner or operator; and*

*(4) The email address and website address of the owner or operator, if applicable.*

*E. Security. The owner or operator of a micro market:*

*(1) May secure the products and premises of a micro market by the use of video surveillance that:*

*(a) Operates 24 hours per day, 7 days per week;*

*(b) Records consumers viewing, selecting, handling, and purchasing products from the micro market; and*

*(c) Provides sufficient resolution to identify consumers described in §E(1)(b) of this regulation; and*

*(2) Shall ensure that video surveillance recordings made under §E(1) of this regulation are:*

*(a) Maintained by the owner for 14 days after the date of the video recording; and*

*(b) Made available for inspection by the appropriate health or law enforcement agency on the request of the agency within 24 hours from the time the request is received by the owner or operator.*

*F. Record Keeping. The owner or operator of a micro market shall ensure that:*

*(1) In the event of a failure of an automated self-locking unit, records are kept for:*

*(a) The repair or replacement of the failed unit in the form of receipts or a completed service order; and*

*(b) All products in the unit at the time of the failure and include:*

*(i) Product description; and*

*(ii) Quantity of products discarded or destroyed;*

*(2) Service receipts for the repair or replacement of the failed unit and product destruction shall be kept for a minimum of 90 days; and*

*(3) All records are available for review upon request.*

ROBERT R. NEALL  
Secretary of Health