

# MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE

## CHAPTER VIII

### FOOD, FOOD PRODUCTS, FOOD HANDLING ESTABLISHMENTS

#### SECTION 4

#### VENDING MACHINES

In addition to complying with the regulations in section 1 and 2 of this Chapter, vending machine operations shall comply with the following regulations.

#### **REGULATION 1. Permit, Plan Review and Commissary Required**

- a. No person shall operate a potentially hazardous food (time/temperature control for safety food) or water vending machine without holding a valid permit to do so from the Department.
- b. The applicant for a permit shall provide a letter of certification from NAMA (National Automatic Merchandizing Association), or submit for review and approval a complete set of plans and specifications documenting the equipment is NSF/ANSI approved, which show compliance with the regulations in this Environmental Health Code for each type of vending machine proposed to be used. No potentially hazardous food (time/temperature control for safety food) or water vending machine shall be placed into service without review and approval from the Department, except as provided in Subparagraph (c), below.
- c. The following are exempt from the requirement to obtain a permit to operate vending machines but shall comply with all pertinent regulations in this code:
  - (1) Vending machines operated and maintained as a part of, and on the premises of, and under the control of the holder of an eating and drinking food establishment permit;
  - (2) Vending machines that dispense only non-potentially hazardous foods; and
  - (3) Dry type beverage vending machines dispensing bottled or metal can single-service containers.
- d. Every permit holder of a vending permit shall designate and use an approved commissary for all food storage. Permit holders that operate their own commissary shall obtain the appropriate permit for that food establishment. Water vending machines do not require a commissary.

## **REGUALTION 2. Permit Display and Necessary Information**

- a. A permanent sign, visible to consumers, showing the permit number assigned by the Department to the permit holder, the permit holder's business name, a unique identifier assigned to the machine by the permit holder, and a telephone number consumers may use to contact the permit holder, of an approved size and style, shall be permanently and conspicuously affixed to each vending machine used by the permit holder.
- b. The permit holder shall maintain a current list of machines by location, if applicable, of all potentially hazardous food (time/temperature control for safety food) and water vending machines under permit. The lists shall provide the unique identifiers and locations for all machines, frequency of service, type of machine (hot, cold, frozen, water, bulk), and the permitted commissary or other establishments from which machines are serviced. This information shall be provided to the Department upon request.
- c. The permit holder shall notify the Department whenever adding new types of vending machines, or conversion of existing machines to dispense potentially hazardous foods (time/temperature control for safety food) other than those for which the permit was issued. Plan review, as stated in Regulation 2., may be required.

## **REGULATION 3. Sanitation, Packaging, and Dispensing**

- a. All foods, beverages and ingredients offered for sale through vending machines, shall be wholesome, free from spoilage, contamination, misbranding, and adulteration; shall be stored or packaged in clean protective containers; and shall be handled, transported and dispensed in a sanitary manner. Fruit shall be washed at a permitted commissary to remove soil and pesticides insecticides, or other chemicals, and allowed to air dry.
- b. Condiments provided in conjunction with food dispensed by a vending machine shall be packaged in individual portions or shall be dispensed from approved sanitary dispensers.
- c. Potentially hazardous foods (time/temperature control for safety food) offered for sale through vending machines shall be dispensed to the consumer in the individual original container or wrapper in which it was placed or such products shall be dispensed into single-service containers. Where potentially hazardous foods (time/temperature control for safety food) are dispensed, bulk supplies of such foods, beverages or ingredients shall be transferred only to a bulk vending machine in which all food contact surfaces have been cleaned and subjected to an effective sanitization process.

- d. Vending machines that hold and vend refrigerated individually pre-wrapped potentially hazardous food (time/temperature control for safety food) shall bear a “sell by” date positioned on the top or front of the food container.
- e. “Sell by” dates shall be legible and plainly presented (month, date, and year) to the consumer. No food may be re-wrapped or re-dated once placed for sale in a vending machine.

#### **REGULATION 4. Vending Machines, Automatic Shutoff**

- a. Refer to the U.S. Food and Drug Administration 2013 Food Code, § 4-204.111, adopted by reference.

#### **REGULATION 5. Sampling**

Samples of food, beverage, water, or ingredient thereof shall be taken and examined by or as required by the Department as often as necessary to determine its wholesomeness and freedom from adulteration or misbranding.

#### **REGULATION 6. Cleaning of Equipment**

- a. All multi-use food contact surface parts of vending machines, which come into direct contact with any non-packaged food, beverage, or food ingredient shall be thoroughly cleaned and undergo a sanitization process at the permitted commissary at intervals prescribed by equipment manufacturers or as frequently as necessary to prevent food contamination, and shall be kept clean.
- b. A record of such cleaning and sanitizing operations shall be maintained by the permit holder for each machine and shall be retained for 30 days.
- c. Microwave ovens provided by the permit holder for consumer use at a vending machine location shall be cleaned each time the vending machines at that vending machine location are serviced.

#### **REGULATION 7. Single-Service Containers**

All single-service containers, used to receive food or beverage in bulk from vending machines shall be kept in sanitary cartons or packages which protect the containers from contamination, stored in a clean dry place until used and handled in a sanitary manner. 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.

## **REGULATION 8. Protection and Ease of Cleaning**

- a. Each vending machine location shall be kept clean.
- b. Unless a vending machine is sealed to the floor so as to prevent seepage underneath, or can be manually moved with ease one or more of the following provisions shall be utilized to facilitate cleaning operations:
  - (1) The machine shall be mounted on legs six or more inches in height above the floor, or four inches above a counter top; or
  - (2) The machine shall be mounted on casters or rollers; or
  - (3) The machine shall be mounted on gliders, which permit it to be moved easily.
- c. The floor area upon which vending machines are located shall be smooth, of cleanable construction and capable of withstanding repeated cleaning.
- d. Adequate hand washing facilities, including hot and cold or tempered running water, soap, single-use gloves, and individual sanitary towels, shall be conveniently located for use by food employees servicing or loading bulk food machines.

## **REGULATION 9. Sturdy Construction and Design**

- a. Refer to the U.S. Food and Drug Administration 2013 Food Code, § 4-204.123, adopted by reference.

## **REGULATION 10. Condensing Units**

- a. Refer to the U.S. Food and Drug Administration 2013 Food Code, § 4-204.18, adopted by reference.

## **REGULATION 11. Service Connections**

- a. Refer to the U.S. Food and Drug Administration 2013 Food Code, § 4-204.123, adopted by reference.

## **REGULATION 12. Non-Food Contact Surfaces**

Non-food contact surfaces of the interior of vending machines shall be designed and constructed to permit easy cleaning, and to facilitate maintenance operations.

### **REGULATION 13. Food Contact Surfaces**

Food contact surfaces of vending machines shall be smooth, in good repair and free of breaks, corrosion, open seams, cracks, and chipped places. The design of such surfaces shall preclude routine contact between food and V-type threaded surfaces. All joints and welds in food contact surfaces shall be smooth; and all internal angles and corners of such surfaces shall be rounded to facilitate cleaning. All containers, valves, fittings, chutes, and faucets that are in contact with food or beverage shall be easily and readily removable and so fabricated as to be easily disassembled and when disassembled, all surfaces shall be visible for inspection and cleaning.

- a. In machines of such design that food contact surfaces such as pipes or tubing are not readily removable, CIP (cleaning-in-place) of such pipes and pipe fittings may be permitted; provided,
  - (1) They are so arranged that a detergent solution, water rinse, and sanitizing solution can be circulated throughout the fixed system,
  - (2) Such solutions will contact all interior surfaces,
  - (3) The system is self-draining or otherwise completely rinsed and evacuated, and
  - (4) The procedures result in thorough cleaning and sanitization of the equipment.

### **REGULATION 14. Covers and Openings**

The openings into all nonpressurized containers used for the storage of foods and ingredients, including water, shall be provided with covers, which prevent contamination from reaching the interior of containers. Such covers shall be designed to provide a flange, which overlaps the opening, and shall be sloped to provide drainage away from the cover surface. Concave covers or cover areas are prohibited. Any port opening through the cover shall be flanged upward at least 3/8" and shall be provided with a cover that overlaps the flange. Condensation or drip-deflecting aprons shall be provided on all piping, thermometers, equipment, rotary shafts and other functional parts extending into the container, unless a water-tight joint is provided. Such aprons shall be considered as satisfactory covers for those openings, which are in continuous use. Gaskets, if used, shall be of a material, which is nontoxic, stable and nonabsorbent, and shall have a smooth surface. All gasket retaining grooves shall be readily cleanable.

### **REGULATION 15. Dispensing Equipment, Protection of Equipment and Food.**

- a. Refer to the U.S. Food and Drug Administration 2013 Food Code, § 4-204.13, adopted by reference.

## **REGULATION 16. Food Storage Compartment**

Every food storage compartment within vending machines dispensing packaged liquid foods shall be self-draining or shall be provided with a drain outlet, which permits complete draining of the compartment or diversion devices and retention pans. All such drains shall be easily cleanable.

## **REGULATION 17. Container Opening Devices**

- a. Refer to the U.S. Food and Drug Administration 2009 FDA Food Code, Regulation 4-204.19, adopted by reference.

## **REGULATION 18. Water Standards**

- a. Water used in or dispensed from vending machines shall be of a safe and sanitary quality, and from an approved source. Water used as a product ingredient shall be piped into the vending machine under pressure. Such machines shall be equipped with an approved pressure type backflow prevention device and all connections and fittings shall be installed in accordance with applicable plumbing regulations. Containers for the storage of water shall be designed and maintained as food contact surfaces.
- b. External water fill ports or drawers of vending machines shall be designed so that covers and drawers are secured to the machine. Where unauthorized persons may have access to these ports or drawers, external fill port covers or drawers shall be equipped with locks or similar safeguards.

## **REGULATION 19. Water Filters**

Water filters and other water conditioning devices shall be of a type, which may be disassembled for periodic cleaning and replacement. Replacement elements shall be handled in a sanitary manner.

## **REGULATION 20. Carbonated Water**

- a. If used, water filters or other water conditioning devices shall be of a type which may be disassembled for periodic cleaning or replacement of the active element. Replacement elements shall be handled in a sanitary manner.
- b. To prevent leaching of toxic materials caused by possible interaction of carbonated water with piping and contact surfaces, post-mix soft drink vending machines, which are designed with an incoming water supply air gap shall have no copper tubing or other potentially toxic water system

tubing between the air gap and the downstream, carbonated water dispensing nozzle.

- c. To prevent leaching of toxic materials caused by possible interaction of carbonated water with piping and contact surfaces, post-mix soft drink vending machines, which are directly connected to the external water supply system shall be equipped with a double (or two single) check valves and a vented valve or similar backflow preventer immediately upstream from the carbonator, with no copper tubing or other potentially toxic tubing or contact surfaces in or downstream from the check and vented valves.
- d. In all vending machines in which carbon dioxide is used as a propellant, all food-contact surfaces from the check valves or other protective devices, including the valves or devices, shall be of such material as to preclude the production of toxic substances which might result from interaction with carbon dioxide or carbonated water.

#### **REGULATION 21. Check Valves**

Where check valves are used for the protection of the water supply, a screen of not less than 100 mesh to the inch shall be installed in the water supply line immediately upstream from the check valves in a location which permits for servicing or replacement.

#### **REGULATION 22. Storage and Removal of Waste**

- a. Trash or other waste materials shall be removed from the vending machine location as frequently as necessary to prevent a public health nuisance and shall be disposed of in an approved manner.
- b. Self-closing, leak-proof, readily cleanable, plainly labeled, and designated waste container or containers shall be provided in the vicinity of each machine or machines to receive used cups, cartons, wrappers, straws, closures, and other single-service items. Such waste containers shall not be located within the vending machine; provided, that an exception may be made for machines dispensing only packaged beverages with crown closures.
- c. Suitable racks or cases shall be provided for multi-use containers or bottles.

#### **REGULATION 23. Vending Machines, Liquid Waste Products.**

- a. Refer to the U.S. Food and Drug Administration 2009 FDA Food Code, Regulation 4-204.121, adopted by reference.

#### **REGULATION 24. Protection While In Transit**

Food, beverages, or ingredients while in transit to vending machine locations shall be protected from the elements, dirt, dust, and insects, rodents, and other contamination. Similar protection shall be provided for single-service containers and for food contact surfaces of equipment, containers and devices in transit to vending machine locations.

#### **REGULATION 25. Temperature While Delivering**

Potentially hazardous foods (time/temperature control for safety food) or beverages, while in transit to vending machine locations shall be maintained at a temperature of not more than 5°C. (41°F.) or at a temperature not less than 57°C. (135°F.), whichever is applicable.

#### **REGULATION 26. Sanitary Standards for Food Employees**

- a. Refer to the U.S. Food and Drug Administration 2009 FDA Food Code, Regulation 3-301.12 and 3-301.11, adopted by reference.

#### **REGULATION 27. Water Vending Machines**

- a. Water supplied to a vending machine shall be from an approved source. Water dispensed from water vending machines shall meet or exceed Federal and State Drinking Water Standards.
- b. Samples shall be periodically taken from each water vending machine by the permit holder, but no less than once every 12 months, and provided to a laboratory certified by the State of Arizona for analysis to detect coliform bacteria. If laboratory results are unsatisfactory, machine shall be taken out of service, the Department shall be notified and the machine will not be put back into service until such time as satisfactory sampling results are provided to the Department. Records of the results of laboratory analysis of periodic samples and any subsequent samples necessary because of unsatisfactory results shall be maintained for two years by the permit holder and shall be made available to the Department upon request.
- c. Physical requirements for approved machines:
  - (1) The outlet nozzle shall be isolated in such a manner as to deny the consumer access to the nozzle.
  - (2) Provisions shall be made to deactivate the machine and prevent further vending if any malfunction occurs within the machine or if resistance across the filters reaches a predetermined pressure beyond which the filter is no longer effective.



- (3) A self-closing, tight-fitting door shall be installed on the vending compartment.
  - (4) A backflow preventing device shall be installed on the incoming water line. All connections and fittings shall be installed in accordance with applicable plumbing regulations and codes.
  - (5) Water vending machines equipped with ultraviolet sanitizing attachments shall be equipped with monitoring devices so designed as to shut down the operation of the machine when the ultraviolet unit fails to function.
- d. False or misleading statements or claims on water vending machines are prohibited. Labeling shall include the statement, "This machine is connected to an approved public water supply which meets federal and state drinking water standards." Labeling shall also include a statement of any substances and/or preservatives added to the water and all major treatment processes applied thereto.