

**DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION**



**18 AAC 31**

**Alaska Food Code**

**DRAFT AMENDMENTS 2019**

**Michael J. Dunleavy**

**Governor**

**Jason W. Brune**

**Commissioner**

18 AAC 31.010(e) is amended to read:

(e) Table A of this subsection illustrates how the categories and types of operation are classified in this chapter.

<b>TABLE A</b>		
<b>FOOD ESTABLISHMENTS</b>		
<b>Categories of Food Establishments</b>		
<b>FOOD SERVICE</b>	<b>MARKET</b>	<b>FOOD PROCESSING ESTABLISHMENT</b>
<b>Types of Operations Within Each Category</b>		
restaurant	convenience store	<p><b><u>Any establishment that processes food for wholesale distribution by:</u></b></p> <ul style="list-style-type: none"> <li>- <u>acidifying</u></li> <li>- <u>curing</u></li> <li>- <u>dehydrating</u></li> <li>- <u>thermal processing of [,]</u></li> <li>low-acid food</li> <li>- <u>reduced-oxygen packaging</u></li> <li>- <b><u>baking</u></b> [bakery]</li> <li>- <b><u>bottling</u></b> [bottled]</li> <li>beverages<u>s</u></li> </ul>
delicatessen	grocery	
takeout or drive-in	grocery portion of a	
caterer	supermarket	
limited food service	retail meat market	
temporary food service	retail seafood market	
mobile food unit	retail bakery	
kiosks	food bank	
schools	mobile retail vendor	
institution	[WAREHOUSE]	
bar or tavern	food salvager	
club or organization	<b><u>food hub</u></b>	

<p>labor camp</p> <p>other similar operations</p>	<p><b><u>retail marijuana store</u></b></p> <p>other similar operations</p>	<p>- <b><u>manufacturing</u></b> ice</p> <p>- <b><u>making</u></b> jam, jelly, syrup, <b><u>or other</u></b> confections</p> <p>- <b><u>warehousing</u></b></p> <p>- <b><u>coffee roasting</u></b></p> <p>- <b><u>juicing</u></b></p> <p>- <b><u>freezing</u></b></p> <p>- <b><u>milling</u></b></p> <p>- <b><u>fermenting</u></b></p> <p>- <b><u>manufacturing marijuana products</u></b></p> <p>- <b><u>manufacturing marijuana concentrates</u></b></p> <p>- <b><u>other similar operations</u></b></p>
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**NOTE: A food establishment may fall under more than one category and may be subject to regulations in several areas of this Chapter. For example, a restaurant that also produces a bottled beverage sold in wholesale markets would fall under the regulations for a Food Service as well as a Food Processing Establishment for the different activities.**

(Eff. 5/18/97, Register 142; am 12/19/99, Register 152; am 6/28/2001, Register 158; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 17.20.005 AS 17.20.072 AS 17.20.290  
AS 17.20.010 AS 17.20.180 AS 44.46.020  
AS 17.20.020

18 AAC 31.011(a)(1) is amended to read:

(1) the definition of “meat,” as set out in 9 C.F.R. 301.2 (Definitions), revised as of January 1, **2019** [2006];

18 AAC 31.011(a)(2) is amended to read:

(2) the definition of “poultry,” as set out in 9 C.F.R. 381.1(b) (Definitions), revised as of January 1, **2019** [2006];

18 AAC 31.011(a)(3) is amended to read:

(3) 7 C.F.R. Part 56 (Voluntary Grading of Shell Eggs), revised as of January 1, **2019** [2006];

18 AAC 31.011(a)(4) is amended to read:

(4) 9 C.F.R. Part 317 (Labeling, Marking Devices, and Containers), revised as of January 1, **2019** [2006];

18 AAC 31.011(a)(5) is amended to read:

(5) 9 C.F.R. Part 319 (Definitions and Standards of Identity or Composition), revised as of January 1, **2019** [2006];

18 AAC 31.011(a)(6) is amended to read:

(6) 9 C.F.R. 381.125(b) (Special Handling Label Requirements: Safe Handling Instructions), revised as of January 1, **2019** [2006];

18 AAC 31.011(a)(7) is amended to read:

(7) 9 C.F.R. 424.21 (**Preparation and Processing Operations**: Use of Food Ingredients and Sources of Radiation), revised as of January 1, **2019** [2006];

18 AAC 31.011(a)(8) is amended to read:

(8) 9 C.F.R. Part 590 (Inspection of Eggs and Egg Products), revised as of January 1, **2019** [2006];

18 AAC 31.011(a)(9) is amended to read:

(9) **21 C.F.R. Part 101.1 – 101.108** [21 C.F.R. PART 101] (Food Labeling), revised as of April 1, **2019**, [2006] **except 21 C.F.R. 101.69 and 21 C.F.R. 101.108 are not adopted by reference;**

18 AAC 31.011(a)(10) is amended to read:

(10) **21 C.F.R. Part 113.3 – 113.100** [21 C.F.R. PART 113] (Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers), revised as of April 1, **2019** [2006]; **these provisions are adopted by reference as amended from time to time;**

18 AAC 31.011(a)(11) is amended to read:

(11) **21 C.F.R. Part 114 – 114.100** [21 C.F.R. PART 114] (Acidified Foods), revised as of April 1, **2019** [2006]; **these provisions are adopted by reference as amended from time to time;**

18 AAC 31.011(a)(12) is repealed:

(12) repealed \_\_\_\_/\_\_\_\_/\_\_\_\_;

18 AAC 31.011(a)(13) is amended to read:

(13) **40 C.F.R. Part 180.940** [40 C.F.R. PART 180] (Tolerances and Exemptions from Tolerances for Pesticide Chemicals in Food; **Food-contact Surface Sanitizing Solutions**), revised as of July 1, **2018;** [2006.]

18 AAC 31.011(a) is amended to add the following paragraphs:

(14) 21 U.S.C. 343(w) (Misbranded Food, Major Food Allergen Labeling Requirements), as revised as of March 23, 2010;

(15) 21 U.S.C. 348(a) (Unsafe Food Additives; Exception for Conformity with Exemption or Regulation), as revised as of August 14, 2018;

(16) 21 U.S.C. 379e(a) (Unsafe Color Additives), as revised as of August 13, 1993;

(17) 21 U.S.C. 381(e)(1) and (2) (Exports), as revised as of October 24, 2018;

(18) 21 C.F.R. 73.1 - 73.615 (Listing of Color Additives Exempt from Certification; Foods), as revised as of April 1, 2019;

- (19) 21 C.F.R. 74.101 – 74.706 (Listing of Color Additives Subject to Certification; Foods), as revised as of April 1, 2019;
- (20) 21 C.F.R. 102.5 – 102.57 (Common or Usual Name for Nonstandardized Foods), as revised as of April 1, 2019, except 21 C.F.R. 102.19 is not adopted by reference;
- (21) 21 C.F.R. 108.25 (Acidified Foods), as revised as of April 1, 2019;
- (22) 21 C.F.R. 108.35 (Thermal Processing of Low-acid Foods Packaged in Hermetically Sealed Containers), as revised as of April 1, 2019;
- (23) 21 C.F.R. 117.3 - 117.475 (Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Human Food; General Provisions, Current Good Manufacturing Practice), as revised as of April 1, 2019, except 21 C.F.R. 117.201 - 117.206, 21 C.F.R. 117.251 - 117.287, and the definition of "facility" are not adopted by reference;
- (24) 21 C.F.R. 120 (Hazard Analysis and Critical Control Point (HACCP) Systems for Juice), as revised as of April 1, 2019;
- (25) 21 C.F.R. 123.3 - 123.28 (Fish and Fishery Products), as revised as of April 1, 2019; these provisions are adopted by reference as amended from time to time;
- (26) 21 C.F.R. 129 (Processing and Bottling of Bottled Drinking Water), as revised as of April 1, 2019;
- (27) 21 C.F.R. 130 – 169 (Food Standards), as revised as of April 1, 2019, except 21 C.F.R. 130.5 and 21 C.F.R. 130.17 are not adopted by reference;
- (28) 21 C.F.R. 170.3 – 170.285 (Food Additives), as revised as of April 1, 2019, except 21 C.F.R. 170.6, 21 C.F.R. 170.15, and 21 C.F.R. 170.17 are not adopted by reference;

(29) 21 C.F.R 172.5 – 172.898 (Food Additives Permitted for Direct Addition to Food for Human Consumption), as revised as of April 1, 2019;

(30) 21 C.F.R. 173.5 – 173.405 (Secondary Direct Food Additives Permitted in Food for Human Consumption), as revised as of April 1, 2019;

(31) 21 C.F.R. 174 (Indirect Food Additives: General), as revised as of April 1, 2019;

(32) 21 C.F.R. 175.105 - 175.390 (Indirect Food Additives: Adhesives and Components of Coatings), as revised as of April 1, 2019;

(33) 21 C.F.R. 176.110 - 176.350 (Indirect Food Additives: Paper and Paperboard Components), as revised as of April 1, 2019;

(34) 21 C.F.R. 177.1010 - 177.2910 (Indirect Food Additives: Polymers), as revised as of April 1, 2019;

(35) 21 C.F.R. 178.1005 - 178.3950 (Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers), as revised as of April 1, 2019;

(36) 21 C.F.R. 180.1 - 180.37 (Food Additives Permitted in Food or in Contact with Food on an Interim Basis Pending Additional Study), as revised as of April 1, 2019;

(37) 21 C.F.R. 181.22 - 181.34 (Prior-Sanctioned Food Ingredients; Specific Prior-Sanctioned Food Ingredients), as revised as of April 1, 2019;

(38) 21 C.F.R. 182.1 - 182.8997 (Substances Generally Recognized as Safe), as revised as of April 1, 2019;

(39) 21 C.F.R. 184.1 - 184.1985 (Direct Food Substances Affirmed as Generally Recognized as Safe), as revised as of April 1, 2019;



(40) 21 C.F.R. 186.1 - 186.1839 (Indirect Food Substances Affirmed as Generally Recognized as Safe), as revised as of April 1, 2019;

(41) 21 C.F.R. 189.1 - 189.300 (Substances Prohibited from Use in Human Food), as revised as of April 1, 2019.

18 AAC 31.011(b) is amended to read:

(b) The following publications are adopted by reference:

(1) repealed \_\_\_\_/\_\_\_\_/\_\_\_\_;

(2) *Hazard Analysis and Critical Control Point Principles and Application Guidelines*, revised as of August 14, 1997, National Advisory Committee on Microbiological Criteria for Foods;

(3) *Fish and Fisheries Products Hazards and Controls Guidance*, **Fourth** [THIRD] Edition, revised as of **August 2019** [JUNE 2001], Table **3-2** [#3-1] (Potential Vertebrate Species Related Hazards) and Table **3-3** [#3-2] (Potential Invertebrate Species Related Hazards), United States Food and Drug Administration;

(4) *International Mechanical Code (I.M.C.)*, **2015** [2006] Edition, **Chapter 5, Sections 506-509**, International Code Council, Inc.;

(5) *NSF/ANSI International Standard 25 – 2017* [2002], *Vending Machines for Food and Beverages*, [REVISED AS OF DECEMBER 26, 2002,] National Sanitation Foundation (NSF);

(6) *Standard for the Sanitary Design and Construction of Food and Beverage Vending Machines*, revised as of October 2003, National Automatic Merchandising Association (NAMA);

(7) repealed \_\_\_\_/\_\_\_\_/\_\_\_\_;

(8) *Standard Methods for the Examination of Water and Wastewater*, 20<sup>th</sup>

Edition, January 1, 1999, American Public Health Association, American Water Works Association, & Water Environment Federation. (Eff. 6/28/2001, Register 158; am 12/28/2006, Register 180; am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 17.20.005 AS 17.20.040 AS 17.20.290  
AS 17.20.010 AS 17.20.072 AS 44.46.020  
AS 17.20.020 AS 17.20.180

**Editor's note:** The documents adopted by reference in 18 AAC 31.011 may be reviewed at the department's Anchorage, Fairbanks, and Juneau offices. The *Hazard Analysis and Critical Control Point Principles and Application Guidelines* are available from the **U.S. Food and Drug Administration** [NATIONAL ADVISORY COMMITTEE ON MICROBIOLOGICAL CRITERIA FOR FOODS] at that organization's website: **<https://www.fda.gov/food/hazard-analysis-critical-control-point-haccp/haccp-principles-application-guidelines>** [HTTP://WWW.CFSAN.FDA.GOV/~COMM/NACMCFP.HTML]. *Vending Machines for Food and Beverages (NSF/ANSI 25)* may be obtained from NSF International, **P.O. Box 130140** [789 NORTH DIXBORO ROAD], Ann Arbor, MI 48105, telephone (800) **673-6275** [673-8010] or at that organization's website: [www.nsf.org](http://www.nsf.org). The *Standard for the Sanitary Design and Construction of Food and Beverage Vending Machines* may be obtained from the National Automatic Merchandising Association, 20 N. Wacker Drive, Suite 3500, Chicago, IL 60606-3102, telephone (312) 346-0370 or at that organization's website: **[www.namanow.org](http://www.namanow.org)** [WWW.VENDING.ORG. THE SANITARIAN & HEALTH OFFICIAL GUIDE, PORTABLE RESTROOM REQUIREMENTS AT SPECIAL EVENTS & CROWD GATHERINGS,

DETERMINATION OF PORTABLE SANITATION REQUIREMENTS AT LARGE PUBLIC EVENTS MAY BE OBTAINED FROM THE CENTER FOR BUSINESS AND INDUSTRIAL STUDIES, UNIVERSITY OF MISSOURI, ONE UNIVERSITY BOULEVARD, ST. LOUIS, MISSOURI 63121-4400, TELEPHONE: (314) 516-6108. THE SEAFOOD LIST, FDA'S GUIDE TO ACCEPTABLE MARKET NAMES FOR SEAFOOD SOLD IN INTERSTATE COMMERCE 1993 IS AVAILABLE FROM THE DEPARTMENT.] *Standard Methods for the Examination of Water and Wastewater* may be ordered from the American Public Health Association, Publication **Services** [SALES, DEPARTMENT 5037], 800 I Street N.W., Washington, DC 20001-3710, telephone **(888) 320-2742**, [(202) 777-2462] **or at that organization's website: <https://secure.apha.org/iMIS/APHA/Store>**. The *International Mechanical Code* may be ordered from the International **Code Council, Inc.** [CONFERENCE OF BUILDING OFFICIALS (ICBO), 5360 WORKMAN MILL ROAD, WHITTIER, CA 90601-2298], telephone (800) 786-4452, [OR (562) 699-0541] **or at that organization's website: <https://shop.iccsafe.org/>**. *Fish and Fisheries Products Hazards and Controls Guidance* may be obtained from the Center for Food Safety and Applied Nutrition, [OFFICE OF SEAFOOD;] United States Food and Drug Administration, [OFFICE OF SEAFOOD, 5100 PAINT BRANCH PARKWAY, COLLEGE PARK, MARYLAND, 20740], telephone **(240) 402-2300** [(301) 436-2300, FACSIMILE (301) 436-2601], or at that organization's website: **<https://www.fda.gov/food/seafood-guidance-documents-regulatory-information/fish-and-fishery-products-hazards-and-controls-guidance-4th-edition>** [HTTP://WWW.CFSAN.FDA.GOV/~COMM/HACCP4.HTML].

18 AAC 31.020(f)(2)(C)(ii) is amended to read:

(ii) reduced oxygen packages under **18 AAC 31.265(c)**

[18 AAC 31.760(c)];

(Eff. 5/18/97, Register 142; am 12/19/99, Register 152; am 12/23/99, Register 152; am 12/31/2000, Register 156; am 6/28/2001, Register 158; am 12/28/2006, Register 180; am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 17.20.005 AS 17.20.180 AS 44.46.020  
AS 17.20.070 AS 17.20.200 AS 44.46.025  
AS 17.20.072

18 AAC 31.030(c)(1) is amended to read:

(1) if required by **18 AAC 31.260** [18 AAC 31.710], must include a hazard analysis critical control point (HACCP) plan;

(Eff. 5/18/97, Register 142; am 12/19/99, Register 152; am 6/28/2001, Register 158; am 6/23/2006, Register 178; am 12/28/2006, Register 180; am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 17.20.005 AS 17.20.180 AS 44.46.020  
AS 17.20.072

18 AAC 31.050(a)(1)(G) is amended to read:

(G) **conducts a process listed in 18 AAC 31.260(a)** [ALSO ACIDIFIES, CURES, DEHYDRATES, OR THERMAL PROCESSES LOW ACID FOOD, OR THAT REDUCED OXYGEN PACKAGES UNDER 18 AAC 31.760(c)]: \$125 in addition to the applicable fee required under (A) of this paragraph;

18 AAC 31.050(a)(3)(J) is amended to read:

(J) **conducts a process listed in 18 AAC 31.260(a)** [ALSO ACIDIFIES, CURES, DEHYDRATES, OR THERMAL PROCESSES LOW ACID FOOD, OR THAT REDUCED OXYGEN PACKAGES UNDER 18 AAC 31.760(c)]: \$125 in addition to the applicable fee required under (A) - (I) of this paragraph;

(Eff. 5/18/97, Register 142; am/readopt 12/19/99, Register 152; am 12/23/99, Register 152; am 12/31/2000, Register 156; am 6/28/2001, Register 158; am 7/11/2002, Register 163; am 12/1/2004, Register 172; am 12/28/2006, Register 180; 11/16/2016, Register 220; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 17.20.005 AS 44.46.020 AS 44.46.025  
AS 17.20.180

18 AAC 31.060(b)(3) is amended to read:

(3) with the name of the food source for each major food allergen **in accordance with** [CONTAINED IN THE FOOD UNLESS THE FOOD SOURCE IS ALREADY PART OF THE COMMON OR USUAL NAME OF THE RESPECTIVE INGREDIENT; FOR PURPOSES OF THIS PARAGRAPH, “MAJOR FOOD ALLERGEN”

(A) MEANS MILK, EGG, FISH, TREE NUTS, WHEAT, PEANUTS, OR SOYBEANS, OR A FOOD INGREDIENT THAT CONTAINS PROTEIN DERIVED FROM MILK, EGG, FISH, TREE NUTS, WHEAT, PEANUTS, OR SOYBEANS; AND

(B) DOES NOT INCLUDE

(I) A HIGHLY REFINED OIL DERIVED FROM A FOOD SPECIFIED IN (A) OF THIS PARAGRAPH AND ANY INGREDIENT DERIVED FROM THAT HIGHLY REFINED OIL; OR

(II) AN INGREDIENT THAT IS EXEMPT UNDER THE PETITION OR NOTIFICATION PROCESS SPECIFIED IN] 21 U.S.C. 343(w), **adopted by reference in 18 AAC 31.011;**

(Eff. 5/18/97, Register 142; am 12/19/99, Register 152; am 6/28/2001, Register 158; am 12/28/2006, Register 180; am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_)

<b>Authority:</b>	AS 17.20.005	AS 17.20.049	AS 17.20.290
	AS 17.20.010	AS 17.20.072	AS 17.20.300
	AS 17.20.040	AS 17.20.180	AS 44.46.020
	AS 17.20.044		

18 AAC 31.200 is amended by adding a new subsection to read:

(e) The operator of a food establishment shall ensure that the date is recorded on the tag or label when the last shellstock from the container is sold or served. (Eff. 5/18/97, Register 142; am 5/23/98, Register 146; readopt 12/19/99, Register 152; am 6/28/2001, Register 158; am 9/6/2003, Register 167; am 12/28/2006, Register 180; am 12/3/2010, Register 196; am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_)

<b>Authority:</b>	AS 17.20.005	AS 17.20.040	AS 17.20.346
	AS 17.20.010	AS 17.20.072	AS 17.20.347
	AS 17.20.020	AS 17.20.180	AS 44.46.020
	AS 17.20.030	AS 17.20.345	

18 AAC 31.210(6) is amended to read:

(6) reduced-oxygen packaged food, unless

(A) the food is obtained from a food processing establishment permitted under this chapter **or 18 AAC 34;**

**(B) the food meets the requirements of 18 AAC 31.265;** [AND IS PACKAGED AS REQUIRED BY 18 AAC 31.760] or

**(C) the food is obtained** from a source approved by the USDA or FDA;

(Eff. 5/18/97, Register 142; am 12/19/99, Register 152; am 6/28/2001, Register 158; am 12/28/2006; Register 180; am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 17.20.005            AS 17.20.072            AS 17.20.290  
AS 17.20.010            AS 17.20.180            AS 44.46.020  
AS 17.20.020

18 AAC 31 is amended by adding a new section to read:

**18 AAC 31.260. Hazard analysis critical control point (HACCP).** (a) Unless otherwise provided in this section, and except as provided in 18 AAC 31.265(b) or 18 AAC 31.700, the operator of a food establishment shall develop and follow a HACCP plan if the following processes are used:

- (1) smoking as a method of food preservation rather than a method of flavor enhancement;
- (2) curing;
- (3) using food additives or adding components, such as vinegar

(A) as a method of food preservation rather than a method of flavor enhancement; or

(B) to render a food so that it is not a potentially hazardous food;

(4) packaging a potentially hazardous food using a reduced oxygen packaging method, unless using a method described in 18 AAC 265(b);

(5) sprouting seeds or beans;

(6) using any other process that allows the rapid and progressive growth of infectious or toxigenic microorganisms, or the slower growth of *Clostridium botulinum*.

(b) Before engaging in an activity described in (a) of this section, an operator shall submit to the department for approval a properly prepared HACCP plan that includes

(1) the operator's name, the food establishment address, and contact information;

(2) the food or type of food that is to be controlled under the plan;

(3) a process flow diagram or chart for each specific food or type of food that identifies

(A) each step in the process;

(B) the hazards and controls for each step in the process flow diagram or chart;

(C) the steps that are critical control points;

(D) the ingredients, materials, and equipment used in the preparation of that food; and

(E) formulations or recipes that delineate methods and procedural control measures that address the food safety concerns involved;



(4) a critical control point summary for each specific food or type of food that clearly identifies:

(A) the critical control point being summarized;

(B) the critical limit for each critical control point;

(C) the method and frequency for monitoring and controlling each critical control point and the identification or job title of the designated employee or the person in charge of monitoring and controlling;

(D) the method and frequency for the person in charge to routinely verify that the designated employee is following standard operating procedures and monitoring critical control points;

(E) action to be taken by the designated employee or person in charge if the critical limits for each critical control point are not met; and

(F) records to be maintained by the person in charge to demonstrate that the HACCP plan is properly operated and managed.

(c) In addition to the requirements of (b) of this section, the operator must also submit a copy of the HACCP plan for department review and comment for a new product or a change in processing procedures if the department determines that a review is necessary to determine compliance with this chapter. (Eff. \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 17.20.005 AS 17.20.180 AS 44.46.020  
AS 17.20.072

**Editor's note:** The subject matter addressed in 18 AAC 31.260 was formerly addressed in 18 AAC 31.710. The history for 18 AAC 31.260 does not include the history of the earlier section.

18 AAC 31 is amended by adding a new section to read:

**18 AAC 31.265. Reduced oxygen packaging at food services or markets.** (a) In addition to the other applicable requirements of this chapter, the operator of a food service or market who packages potentially hazardous food using reduced oxygen packaging methods shall comply with this section.

(b) The operator of a food service or market may reduce oxygen package the following without developing a HACCP plan under 18 AAC 31.260:

(1) nonpotentially hazardous food;

(2) food that is received frozen and kept frozen until use, subject to (3) of this subsection; and

(3) food that is rapidly frozen prior to or as part of a reduced oxygen packaging process and stored frozen until reheated or thawed for immediate use; food described in this paragraph and (2) of this subsection must meet the following continuous cooling, freezing, and thawing requirements:

(A) for a food that has been cooled to 135° F, the food must be further cooled to 70° F or below within two hours;

(B) for a food that has been cooled to 70° F, the food must be further cooled to 41° F or below within four hours; and

(C) the food must be frozen completely to below 10°F within 24 hours;

(D) for seafood, the food must be removed from the packaging

(i) prior to thawing in accordance with 18 AAC 31.230(2)(A); or

(ii) immediately after completion of thawing in accordance with

18 AAC 31.230(2)(B);

(4) food that is always:

(A) labeled with the production time and date;

(B) held at 41° F or less during refrigerated storage; and

(C) removed from its package in the food establishment within 48 hours

after packaging.

(c) Except as provided in (e) and (h) and (i) of this section, the operator of a food service or market may reduce oxygen package food in addition to the food described in (b) of this section if the food has characteristics that will present a barrier to the growth of infectious or toxigenic microorganisms, *Listeria monocytogenes*, and *Clostridium botulinum*, and a HACCP plan is developed and followed as required in 18 AAC 31.260. Food subject to this subsection includes

(1) food with a water activity that measures below 0.91;

(2) food with a pH of 4.6 or less;

(3) food cured onsite using a standard recipe approved by the department with an initial sodium nitrite concentration of 120 ppm and 3.5 percent water phase salt concentration;

(4) a meat or poultry that is product cured at a food processing plant regulated by the USDA using substances specified in 9 C.F.R. 424.21, adopted by reference at 18 AAC 31.011, and that is received in an intact package; and

(5) food with a high level of competing organisms, including raw meat, raw poultry, or raw vegetables.

(d) Except for seafood subject to 18 AAC 34 and as specified in (h) and (i) of this section, if food is reduced oxygen packaged under (c) of this section, the operator of a food service or market shall

(1) discard the food if, within 30 days after packaging, it is not served or sold for consumption;

(2) limit the refrigerated shelf life of the reduced oxygen packaged food to the earlier of the following:

(A) no more than 30 days from packaging to sale, service, or consumption, except the time the product is maintained frozen;

(B) the original manufacturer's "sell by" or "use by" date; and

(3) attach the following labels:

(A) "Keep refrigerated at 41° F or below and use within 30 days of purchase, unless frozen."; and

(B) "Sell by month/day/year," with the date specified being no more than 30 days after packaging.

(e) The following food products may not be reduced oxygen packaged at a food service or market:

(1) uncured meat and poultry cooked at a food service or market unless they meet the requirements of (i) of this section;

(2) ricotta cheese, cottage cheese, cheese spread, and combinations of cheese and other ingredients, such as vegetables or meat;

(3) seafood products that are acidified, dehydrated, smoked, or thermally processed unless the food service or market also has a current permit issued under 18 AAC 34; and

(4) other seafood products unless they meet requirements in (b)(2) or (b)(3) of this section.

(f) In addition to the requirements in (a) - (e) of this section, the operator of a food service or market shall ensure that

(1) conspicuous signs are posted in the packaging area that list products that may be reduced oxygen packaged and warn against packaging any other product;

(2) all aspects of a reduced oxygen packaging process are conducted in an area completely separated by partition or space from areas used for raw or fully-cooked products, except those raw or fully-cooked products being packaged, and that the dedicated packaging area is not used for any other purpose;

(3) only persons who are trained regarding use of the equipment, procedures, and concepts required for safe packaging are allowed to use reduced oxygen packaging equipment;

(4) potentially hazardous food approved for reduced oxygen packaging is refrigerated at a temperature of 41° F or below or frozen at a temperature of 0° F or below, as appropriate, at all times except during short periods of processing not to exceed 30 minutes;

(5) gases, if used in packaging, are of food grade; and

(6) packaging material is appropriate and adequate for the food, associated pathogens, and method of processing, including the type of gas, if any.

(g) In addition to the labeling requirements of this section, the operator of a food service or market shall ensure that reduced oxygen packaging meets the applicable requirements of 18 AAC 31.060.

(h) The operator of a food service or market may package cheeses using a reduced oxygen packaging method if the operator

(1) limits the cheeses packaged to those that

(A) are commercially-processed in a food processing plant with no ingredients added in the food service or market; and

(B) meet the standards of identity as specified in 21 C.F.R. 133.150, 21 C.F.R. 133.169, or 21 C.F.R. 133.187, adopted by reference in 18 AAC 31.011;

(2) has a HACCP plan developed and followed as required in 18 AAC 31.260;

(3) complies with (a), (b), (f), and (g) of this section;

(4) labels the package on the principal display panel with a “use by” date that does not exceed 30 days or the original manufacturer’s “sell by” or “use by” date, whichever occurs first; and

(5) discards the reduced oxygen packaged cheese if it is not sold, served, or consumed within 30 days after its packaging.

(i) The operator of a food establishment who packages potentially hazardous food using a cook-chill or sous vide process shall ensure

(1) the food is prepared and consumed on the premises, or prepared and consumed off the premises but within the same business entity with no distribution or sale of the packaged product to another business entity or the consumer;

(2) the food is cooked to heat all parts of the food to a temperature and time as specified under 18 AAC 31.232;

(3) the food is placed in a package with an oxygen barrier and sealed before cooking, or placed in a package and sealed immediately after cooking and before reaching a temperature below 135° F;

(4) the food is cooled to 41° F in the sealed package or bag as specified under 18 AAC 31.234(2) and either

(A) cooled to 34° F within 48 hours of reaching 41° F and held at that temperature until consumed or discarded within 30 days after the date of packaging;

(B) held at 41° F or less for no more than 7 days after the date of packaging, at which the time the food must be consumed or discarded; or

(C) held frozen with no shelf life restriction while frozen until consumed or used;

(5) the food is held in a refrigeration unit that is equipped with an electronic system that continuously monitors time and temperature and is visually examined for proper operation twice daily;

(6) if transported off site to a satellite location of the same food establishment, the transport vehicle or container is equipped with verifiable electronic monitoring devices to ensure that times and temperatures are monitored during transportation;

(7) the food is labeled with the product name and date packaged; and

(8) that records are

(A) maintained to confirm that cooling and cold holding refrigeration time and temperature requirements as required as part of the HACCP plan;

(B) retained for at least 6 months; and

(C) available upon request of the department. (Eff. \_\_\_/\_\_\_/\_\_\_,

Register \_\_\_\_\_)

<b>Authority:</b>	AS 17.20.005	AS 17.20.072	AS 17.20.290
	AS 17.20.010	AS 17.20.180	AS 44.46.020
	AS 17.20.020		

**Editor's note:** The subject matter addressed in 18 AAC 31.265 was formerly addressed in 18 AAC 31.760. The history for 18 AAC 31.265 does not include the history of the earlier section.

18 AAC 31.325(c)(2)(D) is repealed:

(D) repealed \_\_\_/\_\_\_/\_\_\_;

18 AAC 31.325(c)(2)(H) is amended to read:

(H) **providing** [A FOOD ESTABLISHMENT THAT PROVIDES] meals no more than one day in a seven-day period and that is owned and operated by a business or a nonprofit organization whose primary activity is not food service;

18 AAC 31.325(c) is amended to read:

(3) a convenience store;[.]

18 AAC 31.325(c) is amended by adding a new paragraph to read:

(4) a food processing establishment.



(Eff. 12/28/2006, Register 180; am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 17.20.005 AS 17.20.072 AS 17.20.290  
AS 17.20.020 AS 17.20.180 AS 44.46.020

18 AAC 31.700 is repealed and readopted to read:

**18 AAC 31.700. Food processing and good manufacturing practices.** (a) In addition to complying with other applicable requirements of this chapter, the operator of a food processing establishment shall meet the good manufacturing practice requirements in 21 C.F.R. 117, adopted by reference in 18 AAC 31.011.

(b) The operator of a food processing establishment that is not required to have a food safety plan described in 21 C.F.R. 117.126, or that is not subject to 21 C.F.R 113, 21 C.F.R 114, or 21 C.F.R. 120, and where processes are used that allow the rapid and progressive growth of infectious or toxigenic microorganisms, or the slower growth of *Clostridium botulinum*, shall develop and follow a HACCP plan as described in 18 AAC 31.260. (Eff. 5/18/97, Register 142; am/readopt 12/19/99, Register 152; am 12/28/2006, Register 180; am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 17.20.005 AS 17.20.040 AS 17.20.290  
AS 17.20.010 AS 17.20.072 AS 17.20.300  
AS 17.20.020 AS 17.20.180 AS 44.46.020

18 AAC 31 is amended by adding a new section to read:

**18 AAC 31.701. Food additives.** A substance, color additive, indirect food additive, or direct food additive may be added to food if the substance, color additive, indirect food additive,

or direct food additive is not prohibited, has been approved for use in human food, is used for its intended use, is used at appropriate use rates, and is considered by FDA to be generally recognized as safe under the following requirements, adopted by reference in 18 AAC 31.011:

- (1) 21 C.F.R. 73.1 - 73.615;
- (2) 21 C.F.R. 74.101 - 74.706;
- (3) 21 C.F.R. 170.3 - 170.285;
- (4) 21 C.F.R. 172.5 - 172.898;
- (5) 21 C.F.R. 173.5 - 173.405;
- (6) 21 C.F.R. 175.105 - 175.390;
- (7) 21 C.F.R. 176.110 - 176.350;
- (8) 21 C.F.R. 177.1010 - 177.2910;
- (9) 21 C.F.R. 178.1005 - 178.3950;
- (10) 21 C.F.R. 180.1 - 180.37;
- (11) 21 C.F.R. 181.22 - 181.34;
- (12) 21 C.F.R. 182.1 - 182.8997;
- (13) 21 C.F.R. 184.1 - 184.1985;
- (14) 21 C.F.R. 186.1 - 186.1839;
- (15) 21 C.F.R. 189.1 - 189.300. (Eff. \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 17.20.005            AS 17.20.072            AS 17.20.290  
AS 17.20.010            AS 17.20.180            AS 44.46.020  
AS 17.20.030

18 AAC 31 is amended by adding a new section to read:

**18 AAC 31.702. Labeling requirements specific to food processing establishments.**

(a) In addition to complying with the labeling requirements listed under 18 AAC 31.060, the operator of a food processing establishment shall ensure that food products are labeled with a lot number or other code.

(b) The operator shall keep lot records that include

(1) the lot number or other code;

(2) the date of production; and

(3) other information that will allow production lots to be identified if the food is recalled, contaminated, or otherwise found to be unfit for human consumption.

(c) The operator shall keep lot records for a period that exceeds the shelf life of the product by six months, or for two years, whichever is less. (Eff. \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 17.20.005 AS 17.20.072 AS 17.20.290  
AS 17.20.010 AS 17.20.180 AS 44.46.020  
AS 17.20.040

18 AAC 31 is amended by adding a new section to read:

**18 AAC 31.703. Recall procedures.** (a) The operator of a food processing establishment shall develop, maintain, and make available for department review written procedures sufficient to notify consumers of a product recall and remove affected product from commerce as described in 21 C.F.R. 117.139, adopted by reference in 18 AAC 31.011. These written procedures must describe the steps to be taken, and assign responsibilities for taking those steps, to perform the following actions as appropriate to the facility:

- (1) notify each direct consignee of the recalled food product, including instruction of how to return or dispose of the affected product;
- (2) notify the public about the hazard presented by the recalled food product;
- (3) appropriately dispose of the recalled food products by reprocessing, reworking, diverting to a use that does not present a safety concern, or destroying the food products; and
- (4) verify, by means such as personal visits, telephone calls, written communications, or a combination of those means, that each consignee received notification of the recall and has taken the appropriate action.

(b) The operator of a food processing establishment shall notify the department immediately if the processor knows or has reason to believe that a product released into commerce might be adulterated or misbranded.

(c) The operator of a food processing establishment shall implement the recall procedures developed in (a) of this section either at the direction of the department or of the operator's own accord if the operator knows or has reason to believe that a product released into commerce might be adulterated or misbranded.

(d) The operator of a food processing establishment shall maintain records relating to implementation of recall procedures, including notifications to the department, consignees, and the public, and records of the product disposition. (Eff. \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 17.20.005            AS 17.20.230            AS 17.20.270  
AS 17.20.072            AS 17.20.250            AS 44.46.020  
AS 17.20.080            AS 17.20.260

18 AAC 31.710 is repealed:

**18 AAC 31.710. Hazard analysis critical control point (HACCP).** Repealed. (Eff. 5/18/97, Register 142; readopt 12/19/99, Register 152; am 6/28/2001, Register 158; repealed \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_)

[EDITOR'S NOTE: EFFECTIVE 12/19/99, REGISTER 152, THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION READOPTED 18 AAC 31.710, WITHOUT CHANGE, TO AFFIRM THE VALIDITY OF THAT SECTION FOLLOWING STATUTORY AMENDMENTS MADE IN CH. 72, SLA 1998. CHAPTER 72, SLA 1998 RELOCATED DEPARTMENT AUTHORITY TO ADOPT REGULATIONS IN 18 AAC 31 FROM AS 03.05 TO AS 17.20.]

18 AAC 31.720 is repealed and readopted to read:

**18 AAC 31.720. Thermal processing and acidified food.** (a) In addition to complying with other applicable requirements of this chapter, an operator of a food processing establishment who thermally processes low-acid foods packaged in hermetically-sealed containers shall meet the requirements of 21 C.F.R. 113, adopted by reference in 18 AAC 31.011.

(b) In addition to complying with other applicable requirements of this chapter, an operator of a food processing establishment who processes acidified foods shall meet the requirements of 21 C.F.R. 114, adopted by reference in 18 AAC 31.011. (Eff. 5/18/97, Register 142; readopt 12/19/99, Register 152; am 6/28/2001, Register 158; am 12/28/2006, Register 180; am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 17.20.005 AS 17.20.072 AS 17.20.290

AS 17.20.020

AS 17.20.180

AS 44.46.020

**Editor's note:** Effective 12/19/99, Register 152, the Department of Environmental Conservation readopted 18 AAC 31.720, without change, to affirm the validity of that section following statutory amendments made in ch. 72, SLA 1998. Chapter 72, SLA 1998 relocated department authority to adopt regulations in 18 AAC 31 from AS 03.05 to AS 17.20.

[COPIES OF THE FEDERAL REGULATIONS ADOPTED BY REFERENCE IN THIS SECTION MAY BE OBTAINED FROM THE DEPARTMENT'S ANCHORAGE, FAIRBANKS, OR JUNEAU OFFICE.]

18 AAC 31.730 is repealed and readopted to read:

**18 AAC 31.730. Glacier ice and ice manufacturing.** (a) In addition to complying with other applicable requirements of this chapter, except for a person who exports glacier ice without further processing and a person that manufactures ice primarily for use by a seafood processor permitted under 18 AAC 34, the operator of a food establishment where glacier ice or ice is manufactured shall comply with the requirements of 21 C.F.R 117, adopted by reference in 18 AAC 31.011.

(b) For glacier ice, the operator of a food establishment shall ensure that

(1) contamination of glacier ice is minimized during harvesting, transportation, and storage; and

(2) before processing, glacier ice is cleaned with potable water to remove surface debris and contaminants.

(c) Glacier or manufactured ice may not exceed the maximum contaminant levels set for drinking water in 18 AAC 80.300. If the operator finds or suspects that a maximum contaminant

level has been exceeded, the operator shall submit samples of the glacier or manufactured ice to a certified laboratory for analysis of the contaminants of concern listed in 18 AAC 80, at a frequency necessary to assure that the water quality meets the requirements of this subsection. Samples submitted must produce a minimum of 100 ml of water when melted. (Eff. 5/18/97, Register 142; am/readopt 12/19/99, Register 152; am 12/28/2006, Register 180; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_\_)

**Authority:** AS 17.20.005 AS 17.20.072 AS 17.20.290  
AS 17.20.010 AS 17.20.180 AS 44.46.020  
AS 17.20.020

18 AAC 31.740 is repealed and readopted to read:

**18 AAC 31.740. Bottled drinking water.** (a) In addition to complying with other applicable requirements of this chapter, an operator of a food processing establishment who bottles drinking water shall comply with this section and meet the food standard, quality, and labeling requirements in 21 C.F.R. 165.110 and the requirements for processing and bottling of bottled drinking water in 21 C.F.R. 129, both adopted by reference in 18 AAC 31.011.

(b) Subject to (c), quality testing of product water must use the methods described in 21 C.F.R. 165.110(b) or an alternate method that has been approved by the department in writing.

(c) The operator of a food processing establishment is exempt from product water testing if

- (1) it is also the operator of the public water system used as the water source; and
- (2) it has a copy of one of the following on file at the processing establishment:

(A) a valid interim approval to operate, issued under 18 AAC 80.210(e);

or

(B) a valid final approval to operate, issued under 18 AAC 80.201(f).

(d) Each analysis described in (b) shall be conducted by a certified laboratory.

(e) If a result of an analysis under 21 C.F.R. 129.80(g)(1) indicates the presence of coliform bacteria, the operator shall detain each affected product lot pending follow up testing for *E. coli*.

(f) The sample for follow up testing required under (e) must consist of a unit package from the same lot as the initial sample, or if sampling from the same lot as the original sample is not possible, from the next available lot.

(g) Each product lot detained in (e) may only be released if the results of the follow up testing confirm the absence of *E. coli* and meets the standards of 21 C.F.R. 165.110(b)(2).

(h) If the presence of *E. coli* is verified, the product is adulterated and the operator must prevent the lot from being distributed.

(i) If the presence of coliform bacteria is verified, the operator shall review the transportation, storage, and bottling procedures to find the source of contamination and immediately correct any deficiencies found.

(j) Every three months, a bacteriological swab or rinse count shall be made from at least four containers and closures selected just prior to filling and sealing; each analysis shall be conducted by a qualified or certified laboratory.

(k) If a result of an analysis under (j) of this section or 21 C.F.R. 129.80(f) indicates the presence of coliform bacteria, the operator shall review the transportation, storage, and bottling procedures to find the source of contamination and immediately correct any deficiencies found.



(l) Bottled water that is bottled in this state and that is labeled as

(1) “glacier water,” “pure glacier water,” or words of similar meaning must be

(A) the runoff directly from the natural melting of a glacier;

(B) water obtained from the melting of glacier ice at a food processing establishment permitted under this chapter; or

(C) water from a stream that flows directly from a glacier and that has not been diluted or influenced by a non-glacial stream; and

(2) “glacier-blend,” “glacially-influenced,” or words of similar meaning must be water taken from a

(A) glacial stream that is influenced by a mapped tributary whose headwaters are not from a glacier; or

(B) lake that is fed by a glacial stream;

(m) For purposes of (l) of this section, a mapped tributary is a surface water channel drainage in the state that has been mapped by the United States Department of Interior, United States Geological Survey (USGS) under 43 U.S.C. 31 – 50c.

(n) Bottled water that is bottled in this state and labeled as “glacier water,” “pure glacier water,” “glacier-blend,” “glacially-influenced,” or words of similar meaning may

(1) be collected and transported by pipes, tunnels, trucks, or similar devices;

(2) not be altered at the food processing establishment by the addition or deletion of minerals, or by blending the water with water from another source, except that the water may be filtered or otherwise treated; and

(3) be drawn from a catchment that is connected to the stream or lake that is the source of the water.

(o) The following records must be maintained and available for department review:

(1) results of the testing required by (j) of this section or 21 C.F.R. 129.80(f);

those results must include

(A) the date the samples were collected;

(B) the date the samples were analyzed and the name of each individual who analyzed the samples;

(C) the analytical results; and

(D) any actions taken under (k) of this section;

(2) results of the testing required by 21 C.F.R. 129.80(g); those results must include

(A) the date the samples were collected and the lot numbers;

(B) the date the samples were analyzed, the type of analyses conducted, and the name and address of the laboratory;

(C) the analytical results; and

(D) any actions taken under (e) of this section.

(p) Records that are required under (o) of this section may be kept at

(1) the food processing establishment; or

(2) a location other than the food processing establishment, if the records can be produced for the department within 24 hours after a department request. (Eff. 5/18/97, Register 142; am 12/19/99, Register 152; am 6/28/2001, Register 158; am 12/28/2006, Register 180; am 5/3/2019, Register 230; am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 17.20.005            AS 17.20.070            AS 17.20.290  
AS 17.20.010            AS 17.20.072            AS 17.20.300

AS 17.20.020      AS 17.20.180      AS 44.46.020  
AS 17.20.040      AS 17.20.200

**Editor’s note:** [AN OPERATOR WHO BOTTLES DRINKING WATER FOR INTERSTATE COMMERCE MAY ALSO BE SUBJECT TO 21 C.F.R. 129 AND SHOULD CONTACT THE FDA.]

USGS maps may be obtained from the United States Geological Survey, Earth Sciences Information Center, 4230 University Drive, Room 101, Anchorage, AK 99508; telephone (907) 786-7011.

18 AAC 31 is amended by adding a new section to read:

**18 AAC 31.745. Juice.** In addition to complying with other applicable requirements of this chapter, an operator of a food processing establishment who processes juice shall meet the requirements of 21 C.F.R. 120, adopted by reference in 18 AAC 31.011. (Eff. \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 17.20.005      AS 17.20.070      AS 17.20.290  
AS 17.20.010      AS 17.20.072      AS 17.20.300  
AS 17.20.020      AS 17.20.180      AS 44.46.020  
AS 17.20.040      AS 17.20.200

18 AAC 31.760 is repealed:

**18 AAC 31.760. Reduced oxygen packaging at food services or markets.** Repealed. (Eff. 5/18/97, Register 142; readopt 12/19/99, Register 152; am 6/28/2001, Register 158; am 12/28/2006, Register 180; repealed \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

[EDITOR’S NOTE: EFFECTIVE 12/19/99, REGISTER 152, THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION READOPTED 18 AAC 31.760, WITHOUT CHANGE, TO AFFIRM THE VALIDITY OF THAT SECTION FOLLOWING STATUTORY AMENDMENTS MADE IN CH. 72, SLA 1998. CHAPTER 72, SLA 1998 REALLOCATED DEPARTMENT AUTHORITY TO ADOPT REGULATIONS IN 18 AAC 31 FROM AS 03.05 TO AS 17.20.

INFORMATION ABOUT HOW TO REVIEW OR OBTAIN A COPY OF THE REQUIREMENTS REFERRED TO IN 18 AAC 31.760 AND ADOPTED BY REFERENCE IN 18 AAC 31.011 IS SET OUT IN THE EDITOR’S NOTE TO 18 AAC 31.011.]

18 AAC 31.770 is amended to read:

**18 AAC 31.770. Meat, poultry, and game slaughtering and processing.** (a) Except as provided in 18 AAC 31.205, 18 AAC 31.820, (b) and (c) of this section, and 18 AAC 32, meat, poultry, and game meat slaughtered, processed, distributed, or sold as part of commerce and intended for human consumption must

**(1)** come from a facility **operating** under a USDA mandatory or voluntary inspection program; **or**

**(2) be exempt from USDA poultry inspection.**

(Eff. 6/28/2001, Register 158; am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_)

<b>Authority:</b>	AS 17.20.005	AS 17.20.072	AS 17.20.290
	AS 17.20.010	AS 17.20.180	AS 44.46.020
	AS 17.20.020		

18 AAC 31.915(a) Table K is amended to read:

A HACCP plan is not provided as required in violation of <b><u>18 AAC 31.260</u></b> [18 AAC 31.710]	\$250	\$500	\$1,000
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(Eff. 12/28/2006, Register 180; am 11/7/2017, Register 224; am \_\_\_/\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 17.20.005 AS 17.20.190 AS 17.20.365  
 AS 17.20.072 AS 17.20.315 AS 44.46.020  
 AS 17.20.180

18 AAC 31.990(2) is amended to read:

(2) "acidified food" **has the meaning given in 21 C.F.R. 114.3, adopted by reference in 18 AAC 31.011**

[(A) MEANS A LOW-ACID FOOD TO WHICH ACID OR ACID FOOD IS ADDED; LOW-ACID FOODS THAT ARE FREQUENTLY ACIDIFIED INCLUDE BEANS, CUCUMBERS, CABBAGE, ARTICHOKEs, CAULIFLOWER, PEPPERS, TROPICAL FRUITS, AND PUDDINGS, SINGLY OR IN COMBINATION; SOME OF THESE FOODS MAY BE CALLED "PICKLES" OR "PICKLED\_\_\_\_ [INSERT NAME OF FOOD]"; AND

(B) DOES NOT INCLUDE

(I) CARBONATED BEVERAGES;

(II) JAMS, JELLIES, OR PRESERVES;

(III) ACID FOOD SUCH AS FOOD DRESSINGS AND  
CONDIMENT SAUCES THAT CONTAIN SMALL AMOUNTS OF A LOW-  
ACID FOOD AND HAVE A RESULTANT FINISHED EQUILIBRIUM PH  
THAT DOES NOT DIFFER FROM THE PREDOMINANT ACID OR ACID  
FOOD; AND

(IV) FOODS THAT ARE STORED, DISTRIBUTED, AND  
DISPLAYED UNDER REFRIGERATION];

18 AAC 31.990(4) is amended to read:

(4) "adulterated" has the meaning given in AS 17.20.020 and AS 17.20.030; in  
addition, "adulterated" means food that [CONTAINS]

(A) **contains** an unapproved food additive or an additive in an amount  
that exceeds an amount allowed in 21 C.F.R. Parts 170 - 180, adopted by reference in  
18 AAC 31.011;

(B) **contains** a substance sanctioned by the FDA, or a substance generally  
recognized as safe by the FDA, in an amount that exceeds an amount allowed in  
21 C.F.R. Parts 181 - 186, adopted by reference in 18 AAC 31.011; [OR]

(C) **contains** a pesticide residue in an amount that exceeds an amount set  
out in 40 C.F.R. Part 185, adopted by reference in 18 AAC 31.011;

**(D) contains a food additive that is unsafe under 21 U.S.C. 348(a),  
adopted by reference in 18 AAC 31.011, or that is prohibited by the department;**

**(E) contains a color additive that is unsafe under 21 U.S.C. 379e(a), adopted by reference in 18 AAC 31.011, or that is prohibited by the department;**

**(F) was accidentally or intentionally subjected to radiation, unless the use of radiation was in conformity with 21 C.F.R. 179.21 - 179.45, adopted by reference in 18 AAC 31.011;**

**(G) for a food that is exported, is not in compliance with 21 U.S.C. 381(e)(1) and (2), adopted by reference in 18 AAC 31.011; or**

**(H) does not meet the requirements of this chapter;**

18 AAC 31.990(9) is amended to read:

(9) "bottled water" **has the meaning given to "bottled drinking water" in 21 C.F.R. 129.3, adopted by reference in 18 AAC 31.011** [MEANS WATER THAT IS SEALED IN BOTTLES, PACKAGES, OR OTHER CONTAINERS AND OFFERED FOR SALE FOR HUMAN CONSUMPTION];

18 AAC 31.990(51) is amended to read:

(51) “food processing establishment” means a food establishment

[(A)] where food intended for human consumption is processed for distribution to a food service, market, or another consumer outlet; **a** “food processing establishment” includes **establishments described in Table A of 18 AAC 31.010(e)**

[THE FOLLOWING TYPES OF OPERATIONS:

(I) ACIDIFYING, CURING, DEHYDRATING, OR SMOKING OF FOOD, THERMAL PROCESSING OF LOW-ACID FOOD, AND REDUCED OXYGEN PACKAGING;

(II) BAKERIES, EXCEPT RETAIL BAKERIES;

(III) BOTTLING WATER OR OTHER BEVERAGES;

(IV) ICE MANUFACTURING;

(V) JAM, JELLY, SYRUP, OR CONFECTION MANUFACTURING; AND

(VI) OTHER FOOD PROCESSING; AND

(B) WHERE ACIDIFYING, CURING, DEHYDRATING, SMOKING, OR REDUCED OXYGEN PACKAGING OF FOOD, OR THERMAL PROCESSING OF LOW-ACID FOOD OCCURS FOR SALE OR USE IN THAT ESTABLISHMENT];

18 AAC 31.990(54) is amended to read:

(54) “food service” means a food establishment where food intended for service to individuals for consumption is prepared and provided, or simply provided ready-to-eat, whether consumption is on or off the premises, with or without charge[, AS SPECIFIED IN 18 AAC 31.010]; **a “food service” includes establishments described in Table A of 18 AAC 31.010(e);**

18 AAC 31.990(80) is amended to read:

(80) “market” means a food establishment where food commodities are offered for retail sale to consumers and intended for off-premises consumption, distributed to the needy



by nonprofit organizations, or stored before sale or distribution; **a** “market” includes **establishments described in Table A of 18 AAC 31.010(e)** [THE FOLLOWING TYPES OF OPERATIONS:

- (A) CONVENIENCE STORES;
- (B) GROCERY STORES;
- (C) THE GROCERY PORTIONS OF SUPERMARKETS;
- (D) RETAIL BAKERIES;
- (E) RETAIL MEAT MARKETS;
- (F) RETAIL SEAFOOD MARKETS;
- (G) MOBILE RETAIL VENDORS;
- (H) WAREHOUSES;
- (I) FOOD BANKS;
- (J) FOOD SALVAGERS;
- (K) OTHER MARKETS];

18 AAC 31.990(82) is amended to read:

(82) “misbranded” has the meaning given in AS 17.20.040; in addition, “misbranded” means food that is not labeled as specified in 18 AAC 31.060, **18 AAC 31.265**, 18 AAC 31.700, 18 AAC 31.740, [18 AAC 31.760,] 18 AAC 31.770, and 18 AAC 31.800 – 18 AAC 31.820;

18 AAC 31.990(118)(O) is amended to read:

(O) a HACCP plan is not provided or followed, as specified in **18 AAC 31.260** [18 AAC 31.710], or the food establishment is not complying with the terms of a variance granted under 18 AAC 31.930 or another procedure for a specialized process;

18 AAC 31.990(123) is amended to read:

(123) "seafood" means any species of aquatic **animal** [ORGANISM], including salt-water fish, freshwater fish, amphibians, crustaceans, **and** mollusks [, AND AQUATIC PLANTS]; "seafood" includes any part or byproduct of any species of aquatic **animal** [ORGANISM] **intended for human consumption; "seafood" does not include aquatic plants, birds, or mammals;**

18 AAC 31.990 is amended by adding a new paragraph to read:

(152) "product water" has the meaning given in 21 C.F.R. 129.3, adopted by reference in 18 AAC 31.011.

(Eff. 5/18/97, Register 142; am 5/23/98, Register 146; am/readopt 12/19/99, Register 152; am 6/28/2001, Register 158; am 12/28/2006, Register 180; am 6/24/2012, Register 202; am

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<b>Authority:</b>	AS 03.05.011	AS 17.20.190	AS 17.20.346
	AS 17.20.005	AS 17.20.200	AS 18.35.100
	AS 17.20.010	AS 17.20.220	AS 18.35.120
	AS 17.20.020	AS 17.20.230	AS 18.35.200
	AS 17.20.040	AS 17.20.270	AS 18.35.220

AS 17.20.070

AS 17.20.290

AS 44.46.020

AS 17.20.072

AS 17.20.300

AS 44.46.025

AS 17.20.180

AS 17.20.340