

Indiana's New Food Code



Food Code Changes for Businesses

The State of Indiana will have a new interim Retail Food Code in 2024. This document highlights some of the major changes in the food code for business owners, managers, and food service workers.

What's Changing?	What's the Change?
Potentially Hazardous Food (PHF) replaced by Time/Temperature Control Food (TCS Food)	TCS Foods are subjected to strict time and temperature controls that inhibit the growth and toxin production of harmful microbes.
Critical and Non-Critical Violations replaced by Priority, Priority Foundation, and Core	Priority items address imminent foodborne illness hazards. Priority Foundation items support Priority items with a quantifiable measure to show control of hazards. Core items relate to concerns pertained to facilities or structures, equipment design and maintenance, general sanitation, and operational controls.
Highly Susceptible Population (HSP)	Highly Susceptible Population now encompasses people with weakened immune systems, young children (preschool age), and older adults. Facilities catering to these individuals, such as daycare centers, hospitals, nursing homes, and similar establishments, will adhere to stricter food safety protocols. These facilities will have specific health policies for their employees to further minimize the risk of contamination. Undercooked ground meat will be prohibited from children's menus.
Time/Temperature Control Parameter	Cold TCS foods, initially at 41°F (4.4°C) or below, can be safely held for up to 6 hours without refrigeration as long as they never reach 70°F (21.1°C) during that time. However, this exception does not apply to egg products if the establishment serves a high-risk population.
Allergen Control	All foods containing or in contact with milk, egg, fish, shellfish, tree nuts, wheat, peanuts, soybeans, and sesame must be clearly identified. All employees must be thoroughly trained on proper allergen handling practices to prevent cross-contamination and ensure accurate labeling.

Fast Facts

- The proposed interim Indiana food code is based on the FDA Model Food Code 2022 and Indiana Codes (IC).
- The Food Code safeguards public health and ensures food is unadulterated and honestly presented when offered to the consumer.
- In Indiana, CDC's National Outbreaks Reporting System (NORS) logged 737 total outbreaks comprising 37,970 illnesses, 5,705 hospitalizations, and 126 deaths during 2002–2021(<https://wwwn.cdc.gov/norsdashboard/>).
- Per case costs for foodborne illnesses vary; Norovirus-\$410 vs Listeria \$1,782,000. <https://www.ers.usda.gov/data-products/cost-estimates-of-foodborne-illnesses>

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Handwashing Signage	A sign or poster reminding employees to wash their hands must be posted at handwashing sinks used by food employees.
Hand Sink Temperature	The temperature for water used for handwashing is lowered to 85° F.
Handwashing Procedures	In addition to the existing handwashing practices, food employees are now required to wash exposed arms as well.
Hand antiseptic use	The term "Hand Sanitizer" will no longer be used. There are new definitions, directions for use, and approved hand antiseptic products.
Handwashing sinks and portable sinks	Approved automatic handwashing sinks are permitted. Outdoor operations may use approved portable sinks.
Hand dryers types	Blade dryers are permitted.
Wounds/Lesions	The presence of a pus-filled lesion, such as a boil or an infected wound, now a reportable condition, and specific guidelines dictate the use of bandages and other protective measures.
Head coverings	Prep area staff: hair & arm/face hair covered (hats, nets, clothing). Counter & hostess: exempt unless high contamination risk.
Jewelry	Plain wedding band are permitted. Medical information jewelry and wrist-watches are no longer permitted on hands and arms.
Clean Up of Vomiting and Diarrheal Events	Businesses must have procedures for how to clean up vomit and fecal matter safely.
Food Thermometers	To ensure accurate temperature readings, a thermometer with a thin probe must be used in measuring thin foods like meat patties and fish fillets.
Pest Control	The language is changed to state that food establishments are expected to be "free" of pests. The previous language called for control to minimize their presence.

Additional information on the new Indiana Food Code:
<https://www.in.gov/health/food-protection/retail/>



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What's Changing?**What's the Change?**

Employee Health	Specific workplace guidelines, which vary depending on the illness, address when restrictions and exclusion of sick employees can be lifted or modified.
Date Marking of Packaged Food from Manufacturers Opened on-site	Date marking is not required for specific foods that are processed and packaged by a food manufacturer when the food is opened onsite. Specific items include some deli salads, hard and some semi-soft cheeses, cultured dairy products (yogurt and sour cream), pickled fish, shelf-stable dry fermented sausages, and shelf stable salt cured meat products.
Non-continuous cooking	This type of cooking has specific steps that must be followed when the cooking is intentionally halted, cooled, and held for complete cooking at a later time. The procedures must be pre-approved by the regulatory authority (LHD).
Reduced Oxygen Packaging without a Variance Criteria Defined	<p>A HACCP plan or variance is not required for TCS Foods in Reduced Oxygen Packaging when the product is always labeled with the production time, held at 41°F or below during refrigeration and removed from the packaging within 48 hours after being packaged.</p> <p>Example: if held for 48 hours at $\leq 41^{\circ}$ F, labeled with production time/date, and opened and removed from package in establishment.</p>
Microwave Cooking Temperature	Raw animal foods cooked in a microwave shall be cooked to 165°F in all parts of the food and stand for 2 minutes to achieve equilibrium.
Variations required for special processes	Special processing procedures are clearly defined, and both variances and HACCP plans are mandatory for all products undergoing special processing. For juice processing and packaging, a performance standard takes precedence over allowing variances.
Bare Hand Contact on Ready to Eat Foods	<p>Bare hand contact is only allowed for foods that undergoing a final cook step.</p> <p>Ready to eat foods, including Garnishes, can still be handled with bare hand. But this practice must be with prior approval from the regulatory authority, and written procedures including an employee health policy and documented training for food employees.</p>

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Cleaning and Sanitizing	<p>After being cleaned and sanitized, equipment and utensils shall not be rinsed before air drying. Exceptions are:</p> <ul style="list-style-type: none"> • A rinse automatically applied by a commercial warewashing machine using potable water. • A final hot water rinse or an application of an EPA-registered chemical sanitizer solution followed by a rinse, as per the manufacturer's instructions, in a commercial warewashing machine.
Poisonous or toxic materials	Ozone is permitted to be used on fruits and vegetable as an anti-microbial agent
Dish Machines	Dish machines that sanitize with hot water are required to achieve a surface temperature of 160°F. Operators must have a procedure to measure and to record the temperature.
Food Storage	Commercially frozen processed and packaged raw animal food can be stored with or above frozen, commercially processed and packaged, ready to eat foods.
Physical Facilities	Toilets and urinals may not be used as a service sink for the disposal of mop water and similar liquid waste.
Take-Home Food Container Reuse	Returnable and consumer owned take-home containers may be refilled with food or beverage if specific rules are followed.
Wild Mushrooms	Wild mushrooms must be obtained from a source that each mushroom is examined by a mushroom identification expert. Additional record requirements are required for both the harvester and the retail food establishment.
Consumer Advisory on High Risk items	Food businesses must inform customers about the increased risk of consuming raw or undercooked animal products like meat, fish, and eggs. This can be done through disclosure, either by clearly stating the raw state in the food description ("raw-egg Caesar salad") or by marking the item with an asterisk and including a footnote explaining the risk of foodborne illness, with emphasis on the vulnerability of specific groups like pregnant women, young children, and immunocompromised individuals.

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