

Virginia Food Regulations

June 2021 Update

Effective date: June 24, 2021

Additional resources:

- ◆ [Virginia Food Regulations](#)
- ◆ [Food Safety in Virginia](#)

The Virginia Food Regulations have been updated to include changes to the US Food and Drug Administration's Model Food Code as of 2017. This newsletter provides a brief summary of most of the changes but does not include changes made in order to fix grammar or reference errors or changes necessary to comply with the requirements of the Virginia Registrar.

Part I. Definitions, Purpose, and Administration

Added a new term, "Intact Meat", which means a cut of whole muscle meat that has not undergone comminution, injection, mechanical tenderization, or reconstruction.
Revised "Vending Machine" to be more inclusive of the diverse means of payment available.

Part II. Management and Personnel

Amended section **12VAC5-421-55. Certified food protection manager (CFPM)** to state that the Person in Charge (PIC) must be a CFPM. There is an exception for establishments that serve only non-TCS food and establishments that store and prepare food only to the extent that they reheat or cold hold commercially processed, fully cooked time/temperature control for safety foods. Food establishments exempt from the CFPM requirement may not cool time temperature control for safety foods. **For the purpose of enforcement, the requirement that the PIC be a CFPM does not go into effect until June 24, 2023.** Until then, at least one employee with management and supervisory responsibilities must be a CFPM. Civic service organizations, volunteer fire departments, and volunteer emergency medical service agencies that operate a restaurant are [exempt](#) from this requirement.

Added new Section **12VAC5-421-235 Use of bandages, finger cots, or finger stalls.** If used, an impermeable cover such as a bandage, finger cot, or finger stall located on the wrist, hand, or finger of the food employee working with exposed food shall be covered with a single-use glove.

Added "written" to Section **12VAC5-421-255 Clean-up of vomiting and diarrheal events.** A food establishment shall have [written](#) procedures for employees to follow when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter onto surfaces in the food establishment. [Resources will be available on the VDH Food Safety webpage.](#)



The requirement for the Person in Charge (PIC) to be a CFPM will not be enforced until June 24, 2023.

Please check out these [resources](#) for courses that meet the CFPM requirement.

Reminder: A PIC is required to be on the premises during all hours of operation.



Part III. Food

Added new subparagraph c. to **12VAC5-421-470 A.1** to indicate that raw animal foods must be separated from fruits and vegetables, before they are washed, as well as once they are ready-to eat, as specified in subparagraph a., during storage, preparation, holding and display.

Amended subparagraph **12VAC5-421-700 A.1.b.** to include the term intact meat.

Amended subparagraph **12VAC-421-700 A.2.** to reflect **new cooking time in seconds** for ratites, mechanically tenderized and injected meats, comminuted fish, comminuted meat, comminuted game animals commercially raised for food or under voluntary inspection, and raw eggs that are not prepared to a consumer's order **from 15 seconds to 17 seconds.**

Amended subparagraph **12VAC-421-700 A.3.** to reflect **new cooking time** for poultry, baluts, wild game animals, stuffed foods or stuffing containing fish, meat, poultry or ratites **from 15 seconds to <1 second (instantaneous).**

Amended paragraph **12VAC-421-700 B.** by reversing the order of subparagraphs B.1. and B.2 and adding "if cooked to "in an oven" in new B.2 in recognition of other cooking methods that may be used.

Amended paragraph **12VAC5-421-870 C.** to add that fish that is reduced oxygen packaged at retail must be labelled to indicate that it is to be kept frozen until used.

Part IV. Equipment, Utensils, and Linens

No substantial updates.

Part VIII. Compliance and Enforcement

Added new section **12VAC5-421-3595 Conformance with approved procedures** to indicate that when a variance or a HACCP plan is otherwise required that the permit holder comply with the HACCP plans and procedures that are submitted and approved.

Added new subsection B to **12VAC5-421-3720** to indicate that a food establishment operator must notify the department, in writing and within 30 days, when legal ownership changes or when they terminate business operations.

Added new subsection 11 to **12VAC5-421-3750 Responsibilities of the permit holder** that requires permit holders to notify customers that a copy of the most recent inspection report is available upon request.

Added new subsection C to **12VAC5-421-3910** to allow for continued operations during an extended interruption of power or water if written emergency operating plans are approved by the department prior to the event.

Replaced **12VAC5-421-3960** with sections 3961-3966 to indicate the process used when a hold order is used.

Part V. Water, Plumbing, and Waste

Amended **12VAC5-421-2100 Sampling** to **specify notification time limit of 24 hours** when water sample nitrate level exceeds 10 mg/l or if *E. coli* is present in the sample.

Added new section **12VAC5-421-2140 Water System.** Water shall be received from the source through the use of:

1. An approved public water main;^{Pf} or
2. One or more of the following that shall be constructed, maintained, and operated according to law: ^{Pf}
 - a. Nonpublic water main, water pumps, pipes, hoses, connections, and other appurtenances;^{Pf}
 - b. Water transport vehicles;^{Pf} or
 - c. Water containers.^{Pf}



Part VI. Physical Facilities

Amended **12VAC5-421-3040 Handwashing aids and devices, use restrictions** to include a service sink or curbed cleaning facility used for the disposal of mop water or similar wastes, in the facilities which may not be provided with handwashing aids and devices required for a handwashing sink.