

**DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF PUBLIC HEALTH**

Statutory Authority: 16 Delaware Code, Section 122(3)u.1 (16 Del.C. §122(3)u.1)

PROPOSED

PUBLIC NOTICE

4458 State of Delaware Food Code Regulations

The Department of Health and Social Services, Division of Public Health, is proposing regulations which amend Title 16 of the Delaware Code relating to the State of Delaware Food Code. Due to the extensive number of amendments the Division has concluded that the current 4458 State of Delaware Food Code regulations should be repealed and replaced in their entirety with the proposed regulations being published.

The proposed Code, based on the U.S. Food and Drug Administration's (FDA) 2013 Food Code, will introduce several important changes to better serve and protect Delawareans. Changes include:

- A requirement that the Person in charge (PIC) must be certified through an accredited food protection manager certification program.
- "Potentially hazardous food (PHF)" which will be replaced with the new terminology, "time and temperature controlled for safety (TCS)."
- Food establishments will be required to post notification to the public that "a copy of the most recent inspection report is available upon request."

On March 1, 2014, the Division plans to publish the amended 4458 State of Delaware Food Code regulations and hold them out for public comment per Delaware law. Copies of the proposed regulations are available for review in the March 1, 2014 edition of the Delaware *Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Office of Health Systems Protection at (302) 744-4546.

Any person who wishes to make written suggestions, testimony, briefs or other written materials concerning the proposed regulations must submit same to Deborah Harvey by 4:30 p.m. on Monday, March 31, 2014 at:

Deborah Harvey, Division of Public Health

417 Federal Street

Dover, DE 19901

Email: Deborah.Harvey@state.de.us; phone: (302) 744-4700

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Please Note: Due to the size of the proposed regulation it is not being published here. The following url's are provided for those that wish to obtain the proposed Food Code.

<http://regulations.delaware.gov/register/march2014/proposed/TOC.pdf>

<http://regulations.delaware.gov/register/march2014/proposed/Chapter1.pdf>

<http://regulations.delaware.gov/register/march2014/proposed/Chapter2.pdf>

<http://regulations.delaware.gov/register/march2014/proposed/Chapter3.pdf>

<http://regulations.delaware.gov/register/march2014/proposed/Chapter4.pdf>

<http://regulations.delaware.gov/register/march2014/proposed/Chapter5.pdf>

<http://regulations.delaware.gov/register/march2014/proposed/Chapter6.pdf>

<http://regulations.delaware.gov/register/march2014/proposed/Chapter7.pdf>

<http://regulations.delaware.gov/register/march2014/proposed/Chapter8.pdf>

<http://regulations.delaware.gov/register/march2014/proposed/Index.pdf>

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