



August 24, 2025

## HIGHLIGHTS OF APPROVED AMENDMENTS TO HAR TITLE 11, CHAPTER 50, FOOD SAFETY CODE

In Sept 2017, the Food Safety Branch (FSB) adopted the 2013 FDA Model Food Code as an integral part of Hawaii Administrative Rules (HAR), Chapter 11-50, Food Safety Code that governs the food industry. Since then, the FDA has updated and published the 2017 and 2022 Model food Codes, respectively.

In 2023, the FSB was charged by the legislature to update our HAR 11-50 to include a new definition for “Homemade Foods”. The FSB took this opportunity to update our current rule to adopt the 2022 FDA Model Food Code near verbatim with one notable exception:

- 1) The 2022 FDA Model Code requires that all Persons-In-Charge (PIC) at a permitted food establishment must be a Certified Food Protection Manager.

At this time, the FSB is not adopting this requirement. The FSB is of the opinion that we currently have adequate control of food illness risk factors in the regulated community through the mandatory Food Handlers Education Certification for all PIC's in conjunction with the placarding program.

### NOTABLE CHANGES

- 1) Homemade Food (HMF) definition changed to include pickled, fermented, or acidified plant food products that must have a pH at or below 4.2 OR a Water Activity (Aw) level at or below 0.88. [11-50-2; under definition of “Homemade food products”]
- 2) HMF producers are allowed to sell their non-Temperature Controlled for Safety (TCS) products to 3<sup>rd</sup> parties, online and wholesale. [11-50-3(c)]

- 3) On April 23, 2021, the Food Allergy Safety, Treatment, Education, and Research (FASTER) Act was signed into law, declaring **sesame** as the 9th major food allergen recognized by the United States. The change was effective on January 1, 2023. All FDA requirements applicable to major food allergens, including labeling and manufacturing requirements, apply to sesame as of January 1, 2023. **All food establishments are now required to inform patrons of allergens in their foods through labels or signage.** [11-50-35(b)] and [11-50-35(c)(3)]
- 4) Written vomiting and diarrhea clean-up plans required for FE's. [11-50-24]
- 5) Band-aids, finger cots, of finger stalls shall be covered with gloves. [11-50-23(c)]
- 6) Codifies that foods that meet the requirements of HAR may be offered for donation. [11-50-31(s)]
- 7) References to "Fruits and Vegetables" have been changed to "Plant foods."
- 8) Revising the definition of "Intact Meat" for cooking temperatures. [11-50-2; under definition of "Intact meat"]
- 9) Allowance of pet dogs in outdoor dining spaces if certain requirements are met. [11-50-74(c)]
- 10) Previously, there was an absolute prohibition for food establishments to serve raw or undercooked foods to Highly Susceptible Populations (HSP). The revised rule now allows operators of older adult care facilities that serve Highly Susceptible Populations (HSP), to serve raw or undercooked foods to their residents upon request. The food establishment is required to have the resident that requests any raw or undercooked foods to sign a form provided by the DOH in which the resident acknowledges that they may be at a higher risk of contracting a foodborne illness and that they may have a more difficult time recovering from their illness than those that are not part of a HSP. [11-50-37(4)]
- 11) Food employees shall wear hair restraints such as hats, hair coverings/nets, beard restraints and clothing that covers body hair, that are designed and worn to effectively keep their hair from contacting exposed food, clean equipment, utensils, linens, and unwrapped single-service/single-use articles. This does not apply to food employees, such as counter staff, hostesses or wait staff if they present a minimal risk of contamination to the previously mentioned items. [11-50-23(d)]