

Existing ODA Food Code sections on Exclusions and Restrictions:

2-201.12 Exclusions and Restrictions.* (24)

The person in charge shall:

- (A) Exclude a food employee from a food establishment if the food employee is diagnosed with an infectious agent specified under § 2-201.11(A);
- (B) Except as specified under §§ (C) or (D) of this section, restrict a food employee from working with exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles, in a food establishment if the food employee is:
 - (1) Suffering from a symptom specified under § 2-201.11(B), or
 - (2) Not experiencing a symptom of acute gastroenteritis specified under Subparagraph 2-201.11(B)(1) but has a stool that yields a specimen culture that is positive for **Salmonella Typhi**, **Shigella** spp., or **Escherichia coli** O157: H7;
- (C) If the population served is a highly susceptible population, exclude a food employee who:
 - (1) Is experiencing a symptom of acute gastrointestinal illness specified under Subparagraph 2- 201.11(B)(1) and meets a high-risk condition specified under Subparagraphs 2-201.11(D)(1)-(3),
 - (2) Is not experiencing a symptom of acute gastroenteritis specified under Subparagraph 2- 201.11(B)(1) but has a stool that yields a specimen culture that is positive for **S. Typhi**, **Shigella** spp., or **E. coli** O157:H7,
 - (3) Had a past illness from **S. Typhi** within the last 3 months, or
 - (4) Had a past illness from **Shigella** spp. or **E. coli** O157:H7 within the last month; and excluding and restricting jaundiced employees
- (D) For a food employee who is jaundiced:
 - (1) If the onset of jaundice occurred within the last 7 calendar days, exclude the food employee from the food establishment, or
 - (2) If the onset of jaundice occurred more than 7 calendar days before:
 - (a) Exclude the food employee from a food establishment that serves a highly susceptible population, or
 - (b) Restrict the food employee from activities specified under § 2-201.12(B), if the food establishment does not serve a highly susceptible population.

2-201.13 Removal of Exclusions and Restrictions.

- (A) The person in charge may remove an exclusion specified under § 2-201.12(A) if:
 - (1) The person in charge obtains approval from the regulatory authority; and
 - (2) The person excluded as specified under § 2-201.12(A) provides to the person in charge written medical documentation from a physician licensed to practice medicine or, if allowed by law, a nurse practitioner or physician assistant, that specifies that the excluded person may work in an unrestricted capacity in a food establishment, including an establishment that serves a highly susceptible population, because the person is free of the infectious agent of concern as specified in § 8-501.40.
- (B) The person in charge may remove a restriction specified under:
 - (1) Subparagraph 2-201.12(B)(1) if the restricted person:
 - (a) Is free of the symptoms specified under § 2-201.11(B) and no foodborne illness occurs that may have been caused by the restricted person,
 - (b) Is suspected of causing foodborne illness but:
 - (i) Is free of the symptoms specified under § 2-201.11(B), and
 - (ii) Provides written medical documentation from a physician licensed to practice medicine or, if allowed by law, a nurse practitioner or physician assistant, stating that the restricted person is free of the infectious agent that is suspected of causing the person's symptoms or causing foodborne illness, as specified in § 8-501.40, or
 - (c) Provides written medical documentation from a physician licensed to practice medicine or, if allowed by law, a nurse practitioner or physician assistant, stating that the symptoms experienced result from a chronic noninfectious condition such as Crohn's

disease, irritable bowel syndrome, or ulcerative colitis; or

(2) Subparagraph 2-201.12(B)(2) if the restricted person provides written medical documentation from a physician, licensed to practice medicine, or, if allowed by law, a nurse practitioner or physician assistant, according to the criteria specified in § 8-501.40 that indicates the stools are free of **Salmonella Typhi**, **Shigella** spp., or **E. coli** O157:H7, whichever is the infectious agent of concern.

(C) The person in charge may remove an exclusion specified under ¶ 2-201.12(C) if the excluded person provides written medical documentation from a physician licensed to practice medicine or, if allowed by law, a nurse practitioner or physician assistant:

(1) That specifies that the person is free of:

(a) The infectious agent of concern as specified in § 8-501.40, or

(b) Jaundice as specified under ¶ 2-201.13(D) if hepatitis A virus is the infectious agent of concern; or

(2) If the person is excluded under Subparagraph 2-201.12(C)(1), stating that the symptoms experienced result from a chronic noninfectious condition such as Crohn's disease, irritable bowel syndrome, or ulcerative colitis.

(D) The person in charge may remove an exclusion specified under Subparagraph 2-201.12(D)(1) and Subparagraph 2-201.12(D)(2)(a) and a restriction specified under Subparagraph 2-201.12(D)(2)(b) if:

(1) No foodborne illness occurs that may have been caused by the excluded or restricted person and the person provides written medical documentation from a physician licensed to practice medicine or, if allowed by law, a nurse practitioner or physician assistant, that specifies that the person is free of hepatitis A virus as specified in Subparagraph 8-501.40(D)(1); or

(2) The excluded or restricted person is suspected of causing foodborne illness and complies with the requirements in Subparagraphs 8-501.40(D)(1) and (D)(2).

Proposed Food Code sections on Exclusions and Restrictions:

2-201.12 Exclusions and Restrictions.* (24)

The person in charge shall:

(A) Exclude a food employee from a food establishment if the food employee is diagnosed with diphtheria, measles, Salmonella Typhi infection, shigellosis, Shiga-toxicogenic Escherichia coli (STEC) infection, hepatitis A, tuberculosis, Norovirus, or open or draining skin lesions infected with Staphylococcus aureus, Streptococcus.

(B) Restrict a food employee that has a symptoms caused by illness, infection, or other source that is:

(1) Associated with an acute gastrointestinal illness such as:

(a) Diarrhea,

(b) Fever,

(c) Vomiting,

(d) Jaundice, or

(e) Sore throat with fever, or

(2) A lesion containing pus such as a boil or infected wound that is open or draining and is:

(a) On the hands or wrists, unless an impermeable cover such as a finger cot or stall protects the lesion and a single-use glove is worn over the impermeable cover,

(b) On exposed portions of the arms, unless the lesion is protected by an impermeable cover, or

(c) On other parts of the body, unless the lesion is covered by a dry, durable, tight-fitting bandage;

(3) The food employee is jaundiced.

2-201.13 Removal of Exclusions and Restrictions.

(A) The person in charge may remove an exclusion specified under ¶ 2-201.12(A) if:

(1) The person in charge obtains approval from the local public health authority; and,

(2) The person excluded as specified under ¶ 2-201.12(A) provides to the person in charge written documentation that specifies that the excluded person may work in an unrestricted capacity in a food establishment because the person is free of the infectious agent of concern.

(B) The person in charge may remove a restriction specified under ¶2-201.12(B) if the restricted person is free of the symptoms specified under ¶2-201.12(B).