

Retail Food Handler Sampling Guidelines

Background: This document is based off the [Minnesota Food Code](#) and is intended as guidance for retail food establishments such as grocery stores, convenience stores, mobile units, gift shops, etc., that offer in-store food samples to promote a food item.

Food establishments that want to begin conducting food sampling activities or that will be changing their processes or facility to conduct food sampling will need to contact the Minnesota Department of Agriculture (MDA) beforehand to discuss their intended plan which will help ensure the necessary food safety measures are met based on the menu, preparation, and distribution plan.

Licensing Guidelines: A license is NOT required for food product sampling and demonstration if the sampling is conducted by an employee of the licensed food establishment. However, sampling is sometimes conducted by persons who are not employees of the establishment. They may be employees of a separate legal entity contracted to conduct in-store food sampling or who may be promoting their own food brand. In such cases, the separate entity conducting food sampling is required to be licensed by the MDA.

Plan or Process Review: A formal [plan review](#) submission may be required prior to starting sampling for the first time depending on the frequency of sampling, complexity of food preparation, and the menu of food items to be sampled. This requires an application, fee, and associated documents to ensure the sampling operation is set up and conducted safely. Firms that have already been approved for sampling in the past and are changing an aspect of their operation may need to have their process reviewed by their area inspector to ensure they are still in compliance with the Minnesota Food Code. A firm can start and stop their sampling operations without approval from this agency. Only starting new operations, or major changes with current operations, require a formal plan review or process review by the inspector.

Each firm's operation is different and may require a different set of requirements depending on their operation. Retail food establishment operators need to contact the MDA prior to operation to determine if a formal plan review is required. If a plan review is not required, the information in this document still pertains to the food sampling activities.

Equipment: All equipment and food preparation surfaces (including countertops and tabletops) where food sampling is occurring shall be smooth, durable, easily cleanable, and non-absorbent. All equipment and utensils used to prepare food samples shall be made of nontoxic, noncorrosive materials. They shall be constructed, installed, and maintained clean and in good repair. Equipment may be required that has been certified for sanitation by an American National Standards Institute (ANSI) accredited organization depending on the menu, location the food is prepared, and the frequency of sampling conducted. Some food preparation activities, such as cooking raw animal foods, may need to be conducted away from consumers in areas that have appropriate ventilation systems. The equipment and facilities are verified during the initial plan review process.

Handwashing and Hygienic Practices: Food employees must wash their hands and exposed portions of their arms with soap by vigorously rubbing together the surfaces and thoroughly rinsing with clean water. This shall occur after touching bare human body parts, using the bathroom, handling animals, coughing/sneezing, using tobacco, eating/drinking, handling soiled equipment/utensils, as often as necessary to prevent cross-contamination, when switching between raw and ready-to-eat food, and after engaging in other activities that contaminate the hands. Food employees shall not touch exposed ready-to-eat foods with their bare hands. Suitable utensils such as deli paper, tongs, spatulas, dispensing equipment, or single-use gloves must be used. Single-use gloves must be used for only one task and discarded when damaged or soiled, or when interruptions occur in the operation.

Handwashing Sinks: Handwashing sinks must be conveniently located and accessible to the food handling, preparation, and service area. If all food, including samples are prepackaged, a handwashing sink is not required.

1. Bathroom sinks may not be used as a food handler handwashing sink.
2. Soap and paper towels shall be provided at each handwashing station.
3. Hand sanitizer does not replace handwashing. Gloves may not be used in lieu of handwashing.
4. In some temporary event situations, temporary handwashing stations may be used. This should be evaluated by the regulatory agency.

Employee Health: The person in charge must exclude and record employees who have the following conditions:

- Diarrhea, fever, vomiting, jaundice, sore throat with fever. (A food employee with vomiting or diarrhea must be free of symptoms for at least 24 hours before resuming food preparation activities.)
- Food employees diagnosed with the following illnesses shall report them to the regulatory authority:
Salmonella, Shigella, Escherichia coli O157:H7, Hepatitis A, or Norovirus.

Hygiene: Food employees must not eat in the food preparation or service area. Employee beverages must be covered. Food employees must wear effective hair restraints and clean outer clothing in food preparation areas. Jewelry shall be limited to a plain band.

Cooking and Holding Temperatures: Cook raw animal foods to the specified temperature for 15 seconds using an accurate thermometer to check internal food temperatures.

Poultry; all stuffed foods:.....	165°F
Ground beef, ground pork; minced, chopped, or flaked fish:.....	155°F
Whole roast beef; steaks; pork, lamb; veal; fish; shell eggs; commercially raised game:.....	145°F
Reheating of ready to eat commercially processed foods:	135°F

Foods that require time and temperature control for safety are referred to as TCS food. Maintain cold TCS food at 41° F or below and hot TCS food at 135 °F or above. Mechanical refrigeration must be used for events lasting longer than four hours. If time alone, instead of time and temperature is used to ensure food safety, written procedures must be developed prior to implementation.

To assure that hot holding or refrigeration units are operating correctly, a readily visible thermometer must be provided in each unit.

Food Protection: Prepared food samples, and preparation of food samples, must be protected from sources of environmental and cross-contamination. Food samples not served immediately may not sit out on an open, unprotected plate, serving dish, cup, or similar items unless directly supervised at all times by a food employee. All food samples on display for consumer self-service must be protected from consumers and sources of environmental contamination. Lids, covers, wrappings, containers, and similar items can be used to accomplish this.

Samples for self-service that are not individually packaged must have proper utensils for use by consumers. Tongs, toothpicks, and similar items can be used. If a consumer contaminates samples, they must be discarded.

Preparing, cooking, or handling open food used for sampling should be done in a space that has access to handwashing facilities nearby and that has been approved through the plan review process or by an MDA inspector. This may entail food employees cooking and plating the food within the approved kitchen space and then bringing the plated samples to the service floor. Limit the amount of food preparation that occurs outside of the approved kitchen space.

Cleaning and Sanitizing of Utensils and Equipment: The facility must have access to warewashing in the location where food samples are prepared or food preparation is occurring (cut, diced, placed into cups, etc.).

1. All equipment such as cutting boards, knives, scoops, bowls, etc., must be washed, rinsed, and sanitized in a designated warewashing sink or mechanical dishwasher.

2. The warewashing sink does not need to be located in the immediate vicinity of the food preparation area but must be on the premise of the food facility and available for use at all times.
3. Approved sanitizers must be used at their proper concentrations and according to the manufacturer's directions. Test strips must be available to test sanitizer strength.
4. Food contact surfaces held at room temperature that come into contact with TCS food must be washed, rinsed, and sanitized at a minimum of every four hours when in use.
5. Wiping cloths shall be stored clean and dry or in a sanitizing solution. Solutions must be changed frequently enough to maintain sanitizer strength and be clean.
6. In some temporary or special event situations, a three-bucket system may be used. This should be evaluated and discussed with the regulatory agency.

Water Source and Wastewater Disposal

Potable water must be used for all food preparation activities including warewashing and handwashing. Wastewater must be disposed of through a sanitary sewer system. Disposal on the ground or in a storm sewer is not acceptable.

Frequently Asked Questions

How often can I sample at my establishment?

Sampling is allowed as often as desired if the proper equipment and space is provided. The limiting factor to the amount and type of sampling a firm can perform is based on the equipment and menu. If a facility is not equipped to handle frequent sampling, it may not be permitted.

What does food preparation mean?

"Prepare," as defined in the Minnesota Food Code, means to process food by means such as heating, cooking, canning, extracting, fermenting, distilling, pickling, freezing, baking, drying, smoking, grinding, cutting, mixing, coating, stuffing, packing, bottling, packaging, or any other treatment or preservation process.

Anytime a person is working with a food item that is unpackaged, it is a form of preparation to include cutting and portioning food.

What is the difference between re-heating and cooking?

Both re-heating and cooking are a method of preparation, but they have different meanings to regulators. Cooking takes a product from its raw state and applies heat to make it into a finished product. This could be cooking a piece of chicken or burger, frying vegetables, or popping kernels of popcorn. All cooking of any raw products must be done within an approved commercial kitchen space in the back-of-house.

Re-heating is taking a product that has already been cooked, either from a commercial processor or within the facility itself, and applying heat to bring it to a temperature that is intended for consumption. A re-heated product could be consumed cold but is chosen to be eaten warmer for palatability.

Can I prepare food on the sales floor instead of commercial kitchen space?

Most of the food processing and cooking of raw animal proteins for sampling should be conducted within the commercial kitchen space on approved equipment. Cooking of raw animal products should be limited to spaces designed for these activities and protected from cross-contamination. Operation on the sales floor should be limited to plating and service to the customer with a limited amount of activities such as cutting, chopping, or mixing.

Re-heating of pre-cooked products may be done on the sales floor if a limited amount of preparation is associated with the product. An example of this is re-heating pre-cooked and pre-cut bratwurst on a skillet. The brat is heated on the sales floor and then placed into a disposable cup or plate by a food employee for service to a customer.

What is the difference between front-of-house and back-of-house for sampling purposes?

The front-of-house is any area that the customer and the food employee interact at a counter, table, or piece of equipment. This may include the cashier till, display case, or a temporary set-up on the sales floor. The back-of-house is any area within the establishment that the food employee is working and is not in direct contact with the customer. This may include the walk-in cooler, commercial kitchen space, or the back wall and cabinetry in a deli area.

Who can conduct the sampling activities in the retail food establishment?

Any person who is an employee of the retail food establishment may conduct sampling activities if they have been trained on the food safety requirements. The person in charge at the food establishment will need to have oversight of the food sampling activities and the person providing the samples.

If I give product away for free instead of charging money, do I still have to follow the guidance in this document?

Yes. Whether you provide the sample for free or require a payment, the requirements to provide the food safely are the same.

I want to sample animal products cooked from raw, would this change where and how I will be allowed to cook?

Yes. All raw animal products must be cooked on ANSI accredited equipment with appropriate ventilation in an approved food preparation space. No cooking of raw animal product is allowed on domestic equipment or on the sales floor.