§ 1352. Food places; sanitary requirements. 1. A person or corporation engaged in the preparation and sale of food in any hotel, public restaurant, public dining room, dining car, drug store, soda fountain, steamboat or in any other place where food is prepared, sold or served for and to the general public in this state, or an officer of any public, penal or charitable institution in this state, shall not use in the preparation or service of any food utensils, dishes, glasses or other containers which have not been previously cleansed and made sanitary. In such cleansing the use of water which has become unsanitary by previous use is prohibited.

2. It shall be unlawful to furnish or serve in any public eating or drinking establishment, any straw, tube or similar device for drinking out of glasses, cups or containers of any type unless such straw, tube or similar device conforms to and is furnished or served in accordance with the following requirements: When offered for use, it shall be completely enclosed in an impervious or a bactericidal wrapper to be opened by the ultimate user; if unwrapped it may be used if it is kept in an approved sanitary dispenser loaded from the original package without handling, which dispenses one such straw, tube or device at a time directly to the user and which is so constructed that the interior may be cleaned and kept in a sanitary condition; unused loose straws, tubes or devices already dispensed from the dispensing container shall not be used again. No single-service paper containers, paper cups, paper spoons, paper forks or paper plates shall be used a second time.

3. The commissioner shall require in food service establishments, as defined in the state sanitary code, for foods to be conveyed to the consumer uncooked and for foods handled after being cooked but prior to being conveyed to the consumer, that such food not come into direct manual contact with persons responsible for preparing or serving the food. Sanitary gloves, sanitary utensils or other effective barriers shall be utilized to avoid manual contact in the preparation and conveyance of these foods to the consumer. In preparing regulations pursuant to this subdivision, the commissioner may provide for an alternate standard that would permit minimal manual contact based upon finding that such alternate standard would protect worker safety and not

compromise consumer health. In preparing regulations the commissioner shall consult with representatives of the food service industry, including workers in the industry.

4. To the extent that funds are available for the purposes set forth in this subdivision, the commissioner shall require that the following food service establishments: restaurants, bars, membership organizations, fraternal organizations, and private clubs, excepting establishments licensed pursuant to section sixty-four-a of the alcoholic beverage control law, that are not regulated by the department of agriculture and markets, at all times have in their employment at least one individual who has been trained and certified by an organization, approved by the commissioner, which specializes in and provides instruction concerning the safe and proper handling, preparation, cooking, storage, serving, delivery, removal and disposal of food. Attendance at any course established pursuant to this section shall be in person, through distance learning methods, or through an Internet based online program. Such training shall meet the standards set forth by the commissioner pursuant to section thirteen hundred fifty-five of this title, either: (a) pursuant to a program approved by the commissioner under such section, or (b) pursuant to a course that shall address but not be limited to the following topics:

(i) Contamination, food allergies and foodborne illness.
(ii) Purchasing and receiving safe food.
(iii) Keeping food safe in storage.
(iv) Protecting food during preparation.
(v) Protecting food during service.
(vi) Sanitary facilities and equipment.
(vii) Cleaning and sanitizing.
(viii) Integrated pest management.
(ix) Food-safety regulations and standards.
(x) Employee food-safety training.

The commissioner shall allow a licensee a period of up to thirty days to come into compliance with this subdivision where an employee who has been certified as having completed the approved food safety training program separates from his or her place of employment.