

## ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE amending Chapter 8.20 of the Lincoln Municipal Code relating to  
2 Lincoln Food Code to add a new section numbered 8.20.070 to require food handlers and food  
3 managers to wash their hands as specified in the Nebraska Food Code.

4 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

5 Section 1. That Chapter 8.20 of the Lincoln Municipal Code be amended to add a  
6 new Section numbered 8.20.070 to read as follows:

7 **8.20.070 Preventing Contamination from Hands.**

8 Food handlers and food managers shall wash their hands as specified under Section 2-  
9 301.12 of the Nebraska Food Code as adopted by Neb. Rev. Stat. §81-2,257.01. Food shall be  
10 protected by preventing contamination from hands. Food handlers and food managers shall not  
11 have bare hand contact with ready to eat foods unless they are working in a food establishment  
12 that has received approval from the Health Director as specified in section (b) below.

13 (a) If the establishment serves a highly susceptible population, as defined by the Nebraska  
14 Food Code, no bare hand contact with ready-to-eat food shall be allowed.

15 (b) If the establishment does not serve a highly susceptible population, as defined by the  
16 Nebraska Food Code, the Health Director may approve bare hand contact of ready-to-eat food  
17 within said establishment if the owner of said food establishment provides proof to the Health  
18 Director that written policies and procedures have been established and implemented in said food  
19 establishment including all of the following:

20 (1) Documentation is maintained at the establishment that:

1           (i) All food handlers and food managers have acknowledged that if they have  
2           any illness involving gastrointestinal symptoms (vomiting or diarrhea) or  
3           have any diseases that are transmittable through food, they must:

4           (aa) report such symptoms or disease to the person in charge before  
5           they begin work;

6           (bb) cannot have bare hand contact with ready to eat foods for 48 hours  
7           after the cessation of symptoms; and

8           (cc) comply with exclusion and restriction requirements specified in the  
9           Nebraska Food Code Sections 2-201.12 and 2-201.13.

10          (ii) The owner acknowledges the responsibility to provide training and  
11          supervision and to ensure that no employee that has had vomiting or  
12          diarrhea in the prior 48 hours will be allowed to have bare hand contact  
13          with ready-to-eat foods during this time; and

14          (2) Every time a Food Handler or Food Manager enters a food establishment kitchen  
15          or food preparation area, and at times specified in Nebraska Food Code 2-301.14  
16          prior to bare hand contact with ready-to-eat food, a double wash is required with  
17          the addition of one or more of the following control measures:

18          (i) Use of an incentive program such as paid leave that assists or encourages  
19          food handlers not to work when they are ill,

20          (ii) Use of an approved hand sanitizer,

21          (iii) Use of an individual or single use disposable nail brush, or

22          (iv) Use of other control measures approved by the Health Director.

1 (c) Bare hand contact of ready-to-eat food without meeting all the requirements of (b) above  
2 may be allowed when:

3 (1) Washing fruits and vegetables,

4 (2) Handling ready-to-eat food at the time it is added as an ingredient prior to being  
5 cooked to the minimum temperatures specified in the Nebraska Food Code, and

6 (3) Garnishing beverages.

7 (d) Failure to comply with the written policies and procedures submitted to the Health

8 Director pursuant to section b) above may result in Health Director taking action to rescind

9 approval for bare hand contact of ready-to-eat foods by food handlers and food managers within  
10 said food establishment.

11 Section 2. That Section 8.20.070 shall go into force and effect on October 1,  
12 2016.

13 Section 3. Pursuant to Article VII, Section 7 of the City Charter, this  
14 ordinance shall be posted on the official bulletin board of the City, located on the wall across  
15 from the City Clerk's office at 555 S. 10th Street, in lieu of and in place of newspaper publication  
16 with notice of passage and such posting to be given by publication one time in the official  
17 newspaper by the City Clerk. This ordinance shall take effect and be in force from and after its  
18 passage and publication as herein and in the City Charter provided.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_ day of \_\_\_\_\_, 2016:

\_\_\_\_\_  
Mayor