

310:257-1-2. Definitions

"Farmers Market" means a designated area in which farmers, growers, or producers from a defined region gather on a regularly scheduled basis to sell at retail Non-Time/Temperature Control for Safety farm food products and whole shell eggs to the public as described under 2 O.S. Section 5-3A.1 et seq.

"Seasonal food establishment" means a facility that is open no more than 180 consecutive days per physical address per year. The seasonal food establishment is limited to serving coffee and snow cones with use of liquid milk, individually package ice cream products, uncut raw fruits, uncut raw vegetables, nuts in the shell, and commercially bottled syrup, sorghum, honey, sweet cider, and other non-Time/Temperature Control for Safety Foods. Seasonal food establishments selling only prepackaged foods and engaging in no preparation are not required to pay a plan review fee.

"Mobile retail food establishment" means a unit which sells packaged foods from a stationary display at a location that is away from the unit but still at the same physical address, such as a table at a fair or farmers market, for no more than twelve (12) hours, provided the licensed unit is on premise and readily available for inspection and the food has been prepared in a facility that is regulated by the Good Manufacturing Practices in Title 21 of the CFR or regulated as a license holder pursuant to OAC 310:260, Good Manufacturing Practice Regulations, Oklahoma Department of Agriculture, Food and Forestry, the United States Department of Agriculture, or this Chapter. Mobile food establishments selling only prepackaged foods and engaging in no preparation are not required to pay a plan review fee.

"Time/Temperature Control for Safety Food" means a food that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation.

(A) Time/Temperature Control for Safety Food includes:

(i) An animal food that is raw or heat-treated; a plant food that is heat-treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes or mixtures of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation, or garlic-in-oil mixtures that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation; and

(ii) Except as specified in (B)(iv) of this definition, a food that because of the interaction of its aw and pH values is designated in the Product Assessment Required (PA) in Tables 1 or 2 of Appendix A of this Chapter:

(B) Time/Temperature Control for Safety Food does not include:

(i) An air-cooled hard-boiled egg with shell intact, or an egg with shell intact that is not hard-boiled, but has been pasteurized to destroy all viable Salmonellae;

- (ii) A food in an unopened hermetically sealed container that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution;
- (iii) A food that because of its aw or pH value, or interaction of aw and pH value, is designated as a non-TCS food as listed in Table 1 or 2 of Appendix A of this Chapter;
- (iv) A food that is designated as Product Assessment Required (PA) in Table 1 or 2 of Appendix A of this Chapter and has undergone a Product Assessment showing that the growth or toxin information of pathogenic microorganisms that are reasonably likely to occur in that food is precluded due to:
 - (I) Intrinsic factors including added or natural characteristics of the food such as preservatives, antimicrobials, humectants, acidulants or nutrients;
 - (II) Extrinsic factors including environmental or operational factors that affect the food such as packaging, modified atmosphere such as reduced oxygen packaging, shelf-life and use, or temperature range of storage and use; or
 - (III) A combination of intrinsic and extrinsic factors; or
- (v) A food that does not support the growth or toxin formation of pathogenic microorganisms in accordance with (B)(i) - (B)(iv) of this definition above, even-though the food may contain a pathogenic microorganism or chemical or physical contaminant at a level sufficient to cause illness or injury.

"Farmers Hub" means a designated area as described under 2 O.S. Section 5-3A.1 et seq.