



INTERIM GUIDANCE TO RESTAURANTS AND FOOD MANUFACTURERS/DISTRIBUTORS TO SELL GROCERY ITEMS Dated: May 20, 2020

Restaurants, **food manufacturers/distributors** and other food service operations, that hold a valid State, County or City food service permit or state license will be allowed, until June 15, 2020, to sell foods considered to be grocery items while the COVID19 restrictions are in place. This allowance will then be evaluated for extending the timeframe as necessary.

Those looking to take advantage of this interim guidance can do so immediately but only if already permitted by their local health department or **licensed/permitted by the Department**. **Facilities** do not need to contact the Department of Agriculture and Markets or the Department of Health for authorization or an inspection prior to operating under this guidance. Restaurants should contact their local health department permit issuing official if they have questions specific to their facility.

Note: Given the ongoing COVID19 pandemic and to the extent practical, entities wishing to utilize this guidance should implement reasonable measures to increase social distancing and reduce the density of people congregated in any given area.

Anyone who is over age two and able to medically tolerate a face-covering must cover their nose and mouth with a mask or cloth face-covering when in a public per [Interim Guidance on Executive Orders 202.17 and 202.18 Requiring Face Coverings in Public During the COVID-19 Outbreak, April 17, 2020](#). Employers must also provide essential workers with masks free of charge to wear when interacting with the public per [Interim Guidance on Executive Order 202.16 Requiring Face Coverings for Public and Private Employees Interacting with the Public During the COVID-19 Outbreak, April 14, 2020](#).

The guidance requirements for selling packaged food items such as raw pasta, flour or sugar, refrigerated (heat and eat) meals, and ready-to-eat items intended for off-site use or consumption are below:

Facilities:

All processing and/or repackaging of food must occur in a properly cleaned and sanitized food processing area, such as a kitchen, which is not accessible to customers. Handwash facilities must be available in areas handling exposed foods.

Processing:

All foods must be handled, at all times, in a sanitary manner. Foods which are cooked must be cooked to valid cooking temperatures (generally between 135°F to 165°F depending on the type of product). Undercooked foods may not be offered for sale. Foods sold cooked and chilled, must be cooled to 70°F or less within 2 hours of removing from heat, and to 41°F or less within an additional 4 hours.

Repackaging:

All repackaged foods must be handled, at all times, in a sanitary manner and each individual retail package sold must follow the labeling guidelines within this document. Packages displaying "for restaurant use only", should have such words removed or blacked out.

Storage:



Agriculture and Markets

ANDREW M. CUOMO
Governor

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Commissioner

Food that require refrigeration must be stored at 41°F or less at all times. If a lower temperature is required on a manufacturer label, the lower temperature must be used. Products must be labeled with refrigeration requirements. Frozen foods must be labeled to keep frozen until use. Hot holding units must be maintained at 135°F or greater.



Labeling:

Foods offered for sale must be labeled and include, at a minimum, the identity of the food in the package (ie, Flour); the name and address of the restaurant; the ingredients of the item; and the amount in the package (in fluid ounces, or weight) and how it should be stored. Foods should not make any health or nutritional claims. If there is an allergen(s), that allergen must be named. In the case of flour, if made from wheat, if it is not called “Wheat Flour”, then after the ingredient listing, the statement: “Contains wheat” should be used. See the guidance at the end of this document.

Allergens:

There are eight major food group allergens (milk, eggs, fish, Crustacean shellfish, tree nuts, peanuts, wheat, and soybeans) that must follow the labeling guidelines.

If the food is not a raw agricultural commodity and it is, or it contains an ingredient that bears or contains, a major food allergen, the label must follow these rules:

1. The word `Contains', followed by the name of the food source from which the major food allergen is derived, is printed immediately after or is adjacent to the list of ingredients (the Flour example uses this method)

or

2. The common or usual name of the major food allergen in the list of ingredients is followed in parentheses by the name of the food source from which the major food allergen is derived, (for the flour example above, the ingredient “Flour” could be listed “Flour (wheat)” instead of stating “Contains wheat” at the end of the ingredient statement

or

3. The common or usual name of the ingredient uses the name of the food source from which the major food allergen is derived (if the flour is listed in the ingredient statement as “Wheat Flour”), there is no need to include the wheat again in parenthesis or at the end of the ingredient statement

or

4. The name of the food source from which the major food allergen is derived appears elsewhere in the ingredient list