

**WAC 246-215-03372 Preventing contamination by consumers—Returned food and reservice of food (FDA Food Code 3-306.14).** (1) Except as specified in subsections (2) and (3) of this section, after being served or sold and in the possession of a CONSUMER, FOOD that is unused or returned by the CONSUMER may not be offered as FOOD for human consumption.

(2) Except as specified under WAC 246-215-03800(7), a container of FOOD that is not TIME/TEMPERATURE CONTROL FOR SAFETY FOOD may be re-served from one CONSUMER to another if:

(a) The FOOD is dispensed so that it is protected from contamination and the container is closed between uses, such as a narrow-neck bottle containing catsup, steak sauce, or wine; or

(b) The FOOD, such as crackers, salt, or pepper, is in an unopened original package and is maintained in sound condition.

(3) Surplus previously served FOOD, such as whole uncut produce that complies with WAC 246-215-03318, unopened bags of sliced fruit, unopened containers of TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that are immediately placed in a temperature-controlled environment, and other APPROVED FOODS may be re-served to a PERSON or DONATED FOOD DISTRIBUTING ORGANIZATION under an APPROVED plan.

[Statutory Authority: RCW 43.20.050 and 43.20.145. WSR 21-01-122, § 246-215-03372, filed 12/15/20, effective 3/1/22; WSR 13-03-109, § 246-215-03372, filed 1/17/13, effective 5/1/13.]