



Department of Public Health and Human Services

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Technical Guidance Regarding Official Rule Change

Sensitive Occupation Exclusion Rules Special Requirements

The Department of Public Health and Human Services adopted the 2013 Food Code, in which control measures for food handlers have been outlined that may differ from those stated in 37.114.501. Retail Food 37.110.262 (5) states: "Specific communicable disease control measures, outlined in the Food Code, should be followed unless more stringent rules are provided in ARM 37.114.501." When implementing control measures for a food worker, there may be more stringent requirements in the Food Code that should be reviewed to comply with the new adaptation of the Food Code.

- The statement (3) was added in this rule to remind local health authorities of the additional requirements that the Food Code may instill on food workers. The local health authority should review both guidelines and determine which the more stringent one to apply is.

Congregate settings are especially conducive to disease transmission because of the vulnerable populations they serve (i.e. nursing homes, child care, hospitals) and the close proximity of attendees/ residents. Control measures already issued in 37.114.501 are often explicit for those employed at these settings, but fail to be clear on those residing at congregate settings.

- The statement (4) allows the local health authority to implement additional control measures for attendees and residents at congregate settings. During an active case investigation or outbreak investigation, the local health authority might implement situational control measures to limit spread of disease, including but not limited to excluding attendees if feasible, cancelling group activities, cohorting residents etc..

The intent of these additions are to provide broad authority to local health authorities to make every effort to reduce the spread of disease within the community.

37.114.301 SENSITIVE OCCUPATIONS (1) A local health officer or the department may restrict a person employed or engaged in direct care of children, the elderly, or individuals who are otherwise at a high risk for disease from practicing an occupation or activity while infected by a reportable disease if, given the means of transmission of the disease in question, the nature of the person's work would tend to transmit the disease.

(2) No infectious person may engage in any occupation or activity involving the preparation, serving, or handling of food, including milk, to be consumed by others than ~~his/her~~ their immediate family, until a local health officer determines ~~him/her~~ them to be

free of the infectious agent or unlikely to transmit the infectious agent due to the nature of his/~~her~~ their particular work.

(3) Persons involved in food preparation, serving, or handling of food may be subject to additional restrictions as specified in: "Food Code, 2013, Recommendations of the United States Public Health Service, Food and Drug Administration" published by National Technical Information Service, Publication PB2013-110462, ISBN 978-1-935239-02-4, November 3, 2013.

(4) Persons attending or residing in congregate settings may be subject to additional restrictions and exclusions to prevent further transmission as determined by the local health authority.