

Refilling Returnables 3-304.17

(A) Except as specified in paragraphs (B) through (E) of this section, empty containers returned to a food establishment for cleaning and refilling with food shall be cleaned and refilled in a regulated food processing plant; ^P

(B) A take-home food container returned to a food establishment may be refilled at a food establishment with food if the food container is:

- 1) Designed and constructed for reuse and in accordance with the requirements specified under Part 4-1, Materials for Construction and Repair, and 4-2, Design and Construction; ^P
- 2) One that was initially provided by the food establishment to the consumer, either empty or filled with food by the food establishment, for the purpose of being returned for reuse;
- 3) Returned to the food establishment by the consumer after use;
- 4) Subject to the following steps before being refilled with food:
 - a) Cleaned as specified under Part 4-6, Cleaning of Equipment and Utensils;
 - b) Sanitized as specified under Part 4-7, Sanitization of Equipment and Utensils; ^P
 - c) Visually inspected by a food employee to verify that the container, as returned, meets the requirements specified under Part 4-1 and 4-2 as above ; ^P and

(C) A take-home food container returned to a food establishment may be refilled at a food establishment with beverage if:

- 1) The beverage is not a time/temperature control for safety food;
- 2) The design of the container and of the rinsing equipment and the nature of the beverage, when considered together, allow effective cleaning at home or in the food establishment;
- 3) Facilities for rinsing before refilling returned containers with fresh, hot water that is under pressure and not recirculated are provided as part of the dispensing system;
- 4) The consumer-owned container returned to the food establishment for refilling is refilled for sale or service only to the same consumer; and
- 5) The container is refilled by:
 - a) An employee of the food establishment, or
 - b) The owner of the container if the beverage system includes a contamination-free transfer process as specified under Sections 4-204.13, Dispensing Equipment, Protection of Equipment and Food, (A), (B) and (D) that cannot be bypassed by the container owner.

(D) Consumer-owned, personal take-out beverage containers, such as thermally insulated bottles, non-spill coffee cups, and promotional beverage glasses, may be refilled by employees or the consumer if refilling is a contamination-free process as specified under Section 4-204.13(A), (B) and (D).

(E) Consumer-owned containers that are not food-specific may be filled at a water vending machine or system.

(Document updated November, 2018 after MA adopted the 2013 Federal Food Code and the 2015 Amendments.)