



Covid-19 Guidance – Restaurants and Retail Food Sales During the State of Emergency in Georgia

Many restaurants have excess food items such as meat, poultry and seafood. Additionally, some restaurants have become default grocery or convenient stores in areas where items such as canned goods, paper goods or other food items are not able to be restocked quickly enough for local consumers. The definition of a “food service establishment” includes a “food sales component” which will allow for retail food sales to an end consumer for off-site consumption.

The following guidance is to be used during the State of Emergency declaration ONLY for the State of Georgia for food service establishments selling retail food and other items to end consumers for off-site consumption. This does not include regular items on their menu to be sold in a “to-go” fashion. This is just a quick list of potential items that restaurants may want to sell. Refer to Chapter 511-6-1 for specific label requirements on other items that may be sold from bulk stock:

MEAT AND POULTRY

- Restaurants may sell raw meat and poultry products directly to the end retail consumer under a retail exemption; as long as the raw meat product is properly labeled according to retail meat requirements (e.g., safe handling label, product name, any allergens must be declared on the label, any labeled claims made about the product (e.g., “grass fed”) must be supportable, etc.)

Safe Handling Label Information:

Safe Handling Instructions

This product was prepared from inspected and passed meat and/or poultry. Some food products may contain bacteria that could cause illness if the product is mishandled or cooked improperly. For your protection, follow these safe handling instructions.

- Keep refrigerated or frozen. Thaw in refrigerator or microwave.
 - Keep raw meat and poultry separate from other foods. Wash working surfaces (including cutting boards), utensils, and hands after touching raw meat or poultry.
 - Cook thoroughly.
 - Keep hot foods hot. Refrigerate leftovers immediately or discard.
- Restaurants that have raw packaged meat product they have received, stored, but have not altered in anyway (e.g., bulk boxes of meat products that have not been opened and still bear the mark of inspection and labeling information from the producer) may be sold wholesale (e.g., to a grocery store for resale). This is considered as “pass through products” and they can wholesale these products with no limitations.
 - Once the restaurant has opened those bulk, inspected packages (referred to as “breaking bulk”), the contents of the packages are no longer eligible for wholesale,

as the opened products may only be sold retail (unless the meat products inside the bulk packaging are individually packaged and fully labeled with the mark of inspection).

- There are some bulk meat products that are intended for restaurants, and are marked “for institutional use only.” These bulk products aren’t typically allowed for retail use since the products lack the proper labeling for retail sales, but USDA is making an exception given the current challenge of getting meat products to retail consumers. The products will just have to be labeled per retail requirements (as mentioned in the first bullet), to be sold to retail consumers.

EGGS

- In regard to shell eggs, Chapter 511-6-1-.04(2)(a)7. references the Code of Federal Regulations 21 CFR 101.17(h) Food Labeling warning, notice, and safe handling statements, which states, “The label of all shell eggs, whether in intrastate or interstate commerce, shall bear the following statement: **‘SAFE HANDLING INSTRUCTIONS: To prevent illness from bacteria; keep eggs refrigerated, cook eggs until yolks are firm, and cook foods containing eggs thoroughly.’**” This requirement does not apply to shell eggs that have been specifically processed to destroy all viable *Salmonella*.

Other retail products may be sold from the restaurants such as commercially canned foods, gallons of milk, paper goods, etc. Whole, unopened TCS food items with a “sell by date” must be sold on or before that date to the end consumer. Any TCS items made in-house dispensed into smaller containers and put on display for retail must be appropriately date marked with the last day of use on the product that goes to the end consumer along with other labeling requirements as per the Chapter.

Items that CANNOT be sold from restaurants functioning as retail food sales establishments:

- Any packaged food items that are being held using Time as a Public Health Control (food must be sold at 41°F or below or at 135°F or above);
- Any food items that are under a variance (e.g., pizza sauce that has been sitting out);
- Molluscan shellfish (shucked or unshucked) that have been removed from their original container and repackaged and placed out on display; (any sale of raw molluscan shellfish in the original packaging requires a certified dealer)
- Any raw seafood sold by weight (unless they have a certified scale);
- Any raw fish or other TCS food item that has been packaged using Reduced Oxygen Packaging, such as vacuum sealing;
- Any food that is wholesaled to another retail food sales or food service establishment without a wholesale license from GDA.