

**TOWN OF MASHPEE  
BOARD OF HEALTH**

**BARE-HAND CONTACT REGULATION**

Due to numerous complaints regarding bare hand contact with *Ready-To-Eat Food*, the Board of Health, under the authority of The Federal Food Code, Annex 1 entitled ‘Compliance and Enforcement’ Section 8-811.10(B)(1), 105 CMR 590.000, of the Minimum Sanitation Standards for Food Establishments, State Sanitary Code, Article X, Section 590.010(B) and General Administrative Procedures for the State Sanitary Code Chapter 1, 105 CMR 400.200(A), hereby adopts the following:

If an Agent of the Board of Health observes any food service handler preparing Ready-to-Eat Food at a Mashpee licensed food establishment **without the use of TONGS, SPATULAS, SINGLE-USE GLOVES, DELI TISSUE OR DISPENSING EQUIPMENT** shall be documented on the inspection form as a violation (per the Federal Food Code, Section 3-301.11). Once the inspection has been completed, the owner will be notified of the violation(s) and immediately fined as follows:

1. \$100.00 for the first offense
2. \$200.00 for the second offense
3. Third offense and subsequent offense(s) – establishment owners shall be required to appear before the Board of Health for a “show cause” hearing

Payment shall be made to the Board of Health office and shall be submitted **7 days** from the date of the violation.

Failure to pay the fine within the allotted time frame will result in court action and/or closure of the food establishment until said fines are paid.

Severability – Provisions of this regulation are severable and if any provision hereof shall be held invalid under any circumstances, such invalidity shall not affect any other provisions or circumstances.

This regulation was adopted January 10, 2007 and becomes effective on the date of publication.

Per Order Of,  
The Board of Health

Steven R. Ball, Chairman  
Lucy B. Burton, Co-Chairman  
L. Glenn Santos, Clerk