



JOHN ENGLER, Governor

Department of Agriculture

DAN WYANT, Director

Commission of Agriculture
Douglas E. Darling
James E. Maitland
William G. Pridgeon
Jordan B. Tatter
Nara M. Viau

DATE: June 4, 2001
TO: All Local Health Departments
Attn.: Health Officer/Director of Environmental Health/Chief Sanitarian
FROM: Food Service Sanitation Section
Food and Dairy Division
SUBJECT: **Answer to a Question on the Food Code – Artificial Nails**

In keeping with MALEHA's request that answers to questions on the Food Service Sanitation Program be addressed to all Environmental Health Directors, this memorandum provides an answer to a recent question concerning the Food Code and Food Law of 2000.

Question: Are wait staff prohibited from wearing acrylic nails?

Answer: The standard is Food Code § 2-302.11(B), which states, "Unless wearing intact gloves in good repair, a food employee may not wear fingernail polish or artificial nails when working with exposed food." This standard contains two criteria to trigger the requirement and one exception:

- ✓ Is the person is a "food employee?" *and*
- ✓ Is the person "working with exposed food?" *but*
- ✓ Does the person fall under the exception for glove use?

Is the person a "food employee?" Job activities, rather than job titles, determine who is "food employee," but wait staff generally will be considered food employees under the Food Code (since they handle dishes and utensils).

Is the person "working with exposed food?" "Working with exposed food," means more than just delivering plates of food and glasses of beverages to customers. Example: wait staff who enter the kitchen and assemble salads would be considered working with exposed food.

Does the person fall under the exception for glove use? A food employee while wearing intact gloves in good repair is exempt from the prohibition against artificial nails.

If you have any questions on the meaning of particular sections of the Food Code, please contact the Food Service Sanitation Specialist who covers your area.

NDF:khg

cc: MDA Food Program Managers
Retail Food Advisory Board