



**TEXAS DEPARTMENT OF STATE HEALTH SERVICES**

**DIVISION FOR REGULATORY SERVICES  
ENVIRONMENTAL AND CONSUMER SAFETY SECTION  
POLICY, STANDARDS, AND QUALITY ASSURANCE UNIT  
PUBLIC SANITATION AND RETAIL FOOD SAFETY GROUP**

Texas Department of State  
Health Services

**PUBLIC SANITATION AND RETAIL FOOD SAFETY GROUP  
REGULATORY CLARIFICATIONS**

**November 30, 2000 (Revised: February 21, 2017)**

**PSRFSGRC – No. 5**

**SUBJECT: FOOD EMPLOYEE INFECTED WITH HEPATITIS C VIRUS**

**Applicable Texas Food Establishment Rules (TFER) Sections:**

§228.35(a)(2) Has an illness diagnosed by a Health Practitioner

**Question:**

Can a food employee cook food if he/she is infected with the hepatitis C virus?

**Response:**

The TFER requires exclusion of a food employee if the food employee is diagnosed with any of six specific infectious agents: *Salmonella typhi*, *Shigella* spp., *Escherichia coli* 0157:H7 or other enterohemorrhagic *E. coli*, nontyphoidal *Salmonella*, and hepatitis A virus. Hepatitis C virus is not included because the disease is not normally transmitted through food. There is no requirement that prevents a food employee from working if he/she is infected with the hepatitis C virus.

**Support:**

The pathogens that are specified in the food employee exclusion requirement, *Salmonella typhi*, *Shigella* spp., *Escherichia coli* 0157:H7 or other enterohemorrhagic *E. coli*, nontyphoidal *Salmonella*, and the hepatitis A virus, can all be spread by the fecal-oral route of transmission. An infected food employee can transmit these pathogens to consumers through the contamination of food or food utensils.

Although hepatitis A virus is well-documented as a foodborne disease, hepatitis C virus is not included in the list of exclusion pathogens. Hepatitis C virus is a bloodborne pathogen and is primarily transmitted by injection.

The Centers for Disease Control and Prevention (CDC) states on the Hepatitis A FAQ for Public website that the hepatitis A virus' mode of transmission is fecal-oral and it is spread from contact with objects, food or drinks contaminated with feces, or stool of an infected person. The website also specifies good hygiene, vaccination, and sanitation as means of prevention. These practices are critical in food establishments and are targeted as a means to prevent foodborne illness.

The CDC's Hepatitis C FAQ for Public website states that transmission of hepatitis C is primarily bloodborne, but is also sexually and perinatally transmitted. Hepatitis C is not spread by sharing eating utensils, breastfeeding, hugging, kissing, holding hands, coughing or sneezing. It is also not spread through food or water. Prevention focuses around the screening of blood donors and reducing high-risk practices, such as those observed among people that inject illegal drugs.

The Food and Drug Administration's 2013 Food Code-Annex 3 contains a list of pathogens that may be transmitted by an infected food handler. The top 6 pathogens are listed in the 2013 Food Code as having high infectivity via contamination of food by infected employees. These pathogens are ones which are addressed in the TFER and are identified as a significant contributor to foodborne illness. The food safety practices and regulations are meant to reduce the risks of these pathogens. Hepatitis C virus is not included on either list.

Hepatitis C virus is a concern to all public health officials, but because it is a bloodborne pathogen, the focus for prevention lays outside the food establishment regulatory programs. We have also verified this position with the Centers for Disease Control and Prevention in Atlanta, Georgia.

Further information on Hepatitis A and Hepatitis C can be obtained from the CDC's website at:

<http://www.cdc.gov/hepatitis/hcv/cfaq.htm>

<http://www.cdc.gov/hepatitis/hav/afaq.htm>

Agree to form and substance:



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