



Texas Department of State  
Health Services

**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**

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

**June 30, 2016 (Revised: February 21, 2017)**

**PSRFSGRC – No. 16**

**SUBJECT: FOOD EMPLOYEE INFECTED WITH HUMAN IMMUNODEFICIENCY  
VIRUS (HIV)**

**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 Human Immunodeficiency Virus (HIV)?

**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. HIV is not included because the disease has not been documented to be transmitted through food, except in rare cases. There is no requirement that prevents a food employee from working if he/she is infected with HIV.

**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.

The Centers for Disease Control and Prevention (CDC) states on the "HIV Basics" website that HIV's mode of transmission is spread through certain bodily fluids

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(blood, semen, pre-seminal fluid, rectal fluids, vaginal fluids and breast milk) being directly injected into the bloodstream or by those fluids coming in contact with a mucous membrane or damaged tissue. HIV does not survive long outside the human body (such as on surfaces), and it cannot reproduce. It is not spread by air or water, insects, saliva, tears or sweat, casual contact, closed mouth kissing or toilet seats. The website also specifies that except for in rare cases in which children consumed food that was pre-chewed by an HIV infected caregiver, HIV has not been spread through food. You cannot get it from consuming food handled by and HIV-infected person, even if the food contained small amounts of HIV-infected blood or semen, exposure to the air, heat from cooking and stomach acid would destroy the virus.

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. HIV is not included on either list.

Further information on HIV can be obtained from the CDC's website at:

<http://www.cdc.gov/hiv/basics/index.html>

Agree to form and substance:



Christopher Sparks, MPA, R.S.

Manager

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