



**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 24, 2016

PSRFSGRC – No. 19

SUBJECT: Hair Restraints

Applicable Texas Food Establishment Rules (TFER) Sections:

§228.2 (56) Definition of Food employee

§228.2 (52) Definition of Food

§228.43 Hair Restraints

Question: Do all employees in a Food Establishment have to wear a hair net?

Response:

Texas Food Establishment Rules (TFER) requires that FOOD EMPLOYEES wear hair restraints that are designed and worn to effectively keep their hair from contacting exposed food; clean equipment, utensils, and linens; and unwrapped single-service or single-use articles. The purpose of this provision is both to prevent hair from contacting food and food-contact surfaces and to deter FOOD EMPLOYEES from touching their hair.

Support:

The definition of a food is a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum. Anyone whom works with unpackaged food, food equipment or utensils, or food-contact surfaces is considered a food employee.

TFER §228.43 states that food employees shall wear hair restraints such as hats, hair coverings or nets, beard restraints, and clothing that covers body hair, that are designed and worn to effectively keep their hair from contacting exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles. It does not apply to food employees such as counter staff who only serve beverages and wrapped or packaged foods, hostesses, and wait staff if they present a minimal risk of contaminating exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.

What would be considered a hair restraint?

Hair restraints may include items such as hats, hair covering and nets, beard restraints, and clothing that covers body hair. Depending on the hair style, they may also include rubber bands and clips that effectively restrain the hair.

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Does all hair need to be covered or restrained?

No. The rule requires hair be effectively restrained. For instance, if the hair style (e.g., short hair) effectively keeps hair from contacting food or food-contact surfaces and deters the FOOD EMPLOYEES from touching their hair, a hair restraint is not required.

Are there any food employees who aren't required to restrain their hair?

Yes. This provision does not apply to FOOD EMPLOYEES such as counter staff who only serve beverages and wrapped or packaged foods, hostesses, and wait staff if they present a minimal risk of contaminating exposed food; clean equipment, utensils, and linens; and unwrapped single-service or single-use articles. This exemption would apply to most wait staff, table bussers, bartenders, baristas, grocery checkers and grocery courtesy clerks.

Can customers get sick if hair touches their food?

Although hair in food is a periodic source of customer complaints, it is unlikely that customers will get sick from hair. Pathogenic *Staphylococcus* bacteria may be present on the hair or scalp, but they are generally not in sufficient numbers to cause foodborne illness. However, hair is an undesirable adulterant and all reasonable steps should be taken to keep it out of food.

Agree to form and substance:



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