

511-6-1 .08 Special Food Service Operations

Mobile Food Service Establishments (MFSEs), Extended Food Service Establishments (EFSEs) and Temporary Food Service Establishments (TFSEs), collectively recognized within Chapter 511-6-1 as “Special Food Service Operations”, are in operation throughout the country. MFSEs present unique challenges because they travel from location to location, where as EFSEs, by definition, are located on the premises of their base of operations. Mobile food service units can be very difficult to track down for the Health Authority to conduct unannounced inspection. For this reason, a list of vending locations for each MFSE must be provided to the local Health Authority and updated at least 7 days prior to any changes in vending locations..

Mobile food service units include a wide range of units from pushcarts to all types of four-wheeled vehicles and trailers, where as extended food service units tend to be pushcarts or kiosks. It is essential that the requirements for both MFSEs and EFSEs are based upon a menu review of the items to be transported, prepared, cooked, held, and served. Many mobile food service units are high-risk operations engaging in the preparation of raw ingredients and in processes that include the cooking, hot and cold holding, cooling, and reheating of time/temperature control for safety (TCS) foods.

Temporary food service establishments (TFSEs) present their own set of challenges to the Health Authority. They operate under the minimum basic standards for food safety and serve large numbers of consumers for a limited time period in an environment outside of the protective physical facilities and equipment that is provided within a permanent fixed food service establishment. Health Authority decisions in applying the requirements of the Chapter for these establishments are at times difficult and may take some creative thinking on the part of the environmentalist. More times than not, food employees lack any formal or informal food safety training. Many volunteers (also employees) participate in TFSEs and when they do, they bring their home food handling practices with them to the event, as well as their education, beliefs, values, etc. Screening for potential disease problems can be more difficult for participants of TFSEs as compared to other types of food service establishments.

According to data from the Centers for Disease Control and Prevention (CDC), the most commonly reported risk factors that contribute to food borne disease are:

1. Improper holding temperature;
2. Inadequate cooking of food;
3. Poor personal hygiene;
4. Contaminated equipment; and
5. Foods from unsafe sources

Regardless of whether food is prepared at a fixed, seasonal, or temporary food service establishment, or on mobile food service units or extended food service units, the risk factors must be controlled in order to ensure the safety of the foods being consumed.

Special Food Service Operations can be operated safely when they comply with the regulatory standards in the Chapter that are established to control and minimize the risk factors for foodborne illness. Therefore, it is important that Special Food Service Operations are in compliance with Chapter 511-6-1 requirements BEFORE they begin their operations.

Mobile Food Service Units and Extended Food Service Units Compliance Required

Mobile food service units, as well as extended food service units, must be constructed and operated so as to be in full compliance with the Chapter 511-6-1. The exception to these units being in full compliance with the Chapter is found within Rule -.08; however, an exception can only be applied to the food service operations after the Health Authority has conducted a hazard analysis of the proposed operation and determined that no risk would result if the exception is allowed. This analysis of the proposed operation can be mainly accomplished first through review of the proposed menu, the food service plans and specifications, and its method of operation.

Depending on how the mobile food service establishment is designed and operated, the permit holder may be required by the Health Authority to do all food preparation at the base-of-operation or within the fixed food service establishment used as a base of operation. In this case, the mobile food unit would only be allowed to vend or sell food (no preparation on the unit) if the unit does not have sufficient equipment on board to do safe food processing or the unit is not a fully enclosed unit in which the operator is standing inside the unit. Any decision to allow or disallow any menu item or processing step will be based upon a hazard analysis of all processing steps of foods on the proposed menu along with that of the proposed methodology for operating the proposed mobile food service operation.

The Health Authority may prohibit the sale of some or all TCS foods. The determining factor in this case is if risk factors noted during the review of the menu and food processing involved can be satisfactorily controlled by the permit holder. Two examples could be applied. The first example of this would be the restriction of preparing chopped barbeque sandwiches on a cabinet-type mobile food unit, such as a hot-dog cart. The permit holder could not be allowed to prepare or assemble these type food products on a unit that is not fully enclosed where both the food employee and food preparation/service is conducted from inside the mobile food unit. Since the preparation and service of TCS foods would not be conducted from within the protective

environment of a fully enclosed unit, there would be unacceptable risk of contamination of the product from the environment. The second example would be a mobile food vehicle vender (designed as a grab & go self-service) proposing to sell plated lunches. This proposed activity cannot be allowed due to the unacceptable risk of temperature abuse of foods. However, the permit holder may be allowed to serve any food as long as it is prepackaged in individual servings, transported and stored under conditions meeting the requirements of the Chapter. He or she would be allowed to individually package food before placing it on the vehicle at the base-of-operation or fixed food service establishment used as a base-of-operation. The food must be in individual portions and secured to ensure that the food is not opened while in the possession of the employee because a mobile vehicle vendor with tamper-secured food would not require a hand washing sink on the unit. The idea is that the consumer is assured the food has been protected from contamination and mishandling prior to them receiving the food and there would be physical evidence of tampering if opened. The operator could only serve beverages that are not time/temperature control for safety such as coffee served out of covered urns or other protected dispensing equipment. If after review of the menu and the proposed food processing steps the Health Authority determines that no health hazards will result, the Health Authority, at its option, may modify certain requirements as per Rule -.08 in regards to physical facilities.

Exceptions to Compliance: Rule -.08 provides for both mobile food service units and extended mobile food service units to be granted certain exemptions for construction and equipment that is required based upon a limited menu and method of operation.

The two types of units are as follows:

1. Mobile Vehicle Vender Units:

The mobile vehicle vender unit (grab & go self-service) will not be required to have a hand sink nor a warewashing sink onboard if these pieces of equipment are provided at the base of operation or food service establishment used as a base of operation. In addition, all food items must be prepackaged and in individual servings (see Rule -.01 for definition of packaged) and properly labeled as per Rule -.04 if the food is not dispensed by an employee that is knowledgeable of the food ingredients in each product. All beverages must be non-TCS such as coffee and served from covered urns. All condiments must be commercially packaged in single servings.

2. Pushcart or Pull-Behind-A-Vehicle Units:

Time/Temperature Control for Safety (TCS) Food Limited Menu: More often than not, pushcarts and/or pull-behind-a-vehicle units are hot dog carts. The food storage area or areas on the unit must be equipped with a closable cabinet where the operator can

stand outside and reach in to prepare the food product. The unit must have overhead protection in the form of a canopy large enough to completely cover the unit and the operator. A hand sink and a three-compartmented, warewashing sink with sufficient hot and cold running water under pressure must be provided for a minimum of one day's supply. It must also be equipped with a properly sized wastewater storage tank as mentioned within Rule -.06. Its menu will be limited to TCS foods such as commercially processed foods, frankfurters, and precooked encased sausages that only require removal from its packaging and heating prior to service. All condiments must be commercially packaged in single servings and only single-use, disposable articles can be offered for consumer use. It must be operated at a fixed location and from a base of operation or a food service establishment used as its base of operation.

Units preparing non-potentially hazardous foods, such as snow cones and popcorn, must be constructed so that food preparation and service areas are fully enclosed by accessible, protective cabinets. The food is prepared and served from these enclosed accessible, protective cabinets by the food employee. Handwashing and warewashing sinks must be located on the unit. The unit must have overhead protections in the form of a canopy large enough to completely cover the unit and the operator.

Equipment and Supplies Required:

All mobile food units where processing of food such as chopping, slicing, grinding, mixing, formulating, blending, juicing, or otherwise preparing TCS foods must occur within a fully enclosed unit. The following pieces of equipment will be required onboard:

- Thermostatically controlled hot holding, refrigeration, and freezer equipment. Ice chests are not adequate for this purpose;
- Food thermometers of proper adequate for testing food product temperatures;
- A hand sink and a separate three-compartmented, warewashing sink with large enough compartments for the complete immersion of the largest piece of equipment or utensil. These sinks must be separate from each other in that the warewashing sink cannot be used as a hand sink; or
- If there are structural limitations of the MFE and food preparation and service are also limited, the Regulatory Authority may allow alternative hand washing facilities to be used. Hand washing facilities shall be equipped to provide potable water at a minimum temperature of at least 100° F. the certified commercially manufactured, portable hand washing station is required to have hot and cold running water under pump pressure storage tanks and meet NSF standards;

- NSF hard, plastic coolers may be used to keep only commercially prepared and packaged time/temperature control for safety food items that do not require cooking and no preparation (just reheating for palatability).and,
- Only individually wrapped single-service articles are offered for consumer use.

Operation:

In order for a mobile food service or an extended food service operation to be in compliance with the Chapter, the following must be adhered to by the operation:

Mobile food service units and extended food service units must co-exist with a base of operation or a fixed food service establishment used as its base of operation. The base of operation or fixed food service establishment used as a base of operation cannot exist without its associated mobile food service unit or extended food service unit.

Each mobile food service unit must report back to its base of operation or fixed food service establishment used as its base of operation at least once a day for all re-supplying, cleaning and servicing of the unit or units. If this symbiotic relationship does not exist, then the mobile food service operation is not in compliance with the Chapter.

Extended food service units differ from mobile food service units because they do not move off from the premises of its base of operation or fixed food service establishment used as its base of operation and are serviced daily from their base of operation. This means they are located at a fixed location and supplies, etc. are brought to it from the base of operation. Likewise, wastewater may be transported to its base of operation. Its water supply can also be transported to the extended unit from its base of operation using approved water transport equipment.

Mobile food service units must be stored at the base of operation when not in operation. The exception would be if the local Health Authority agreed to allow the unit or units to be stored elsewhere, such as the operator's residence. In this case, the permit applicant must enter into a written agreement concerning this arrangement with the local Health Authority.

Construction: Mobile food service and extended food service units that are preparing TCS foods within the unit must be constructed so as to be fully enclosed. This means that the operator must prepare and serve the food from within an area of the mobile food service unit or the extended food service unit.

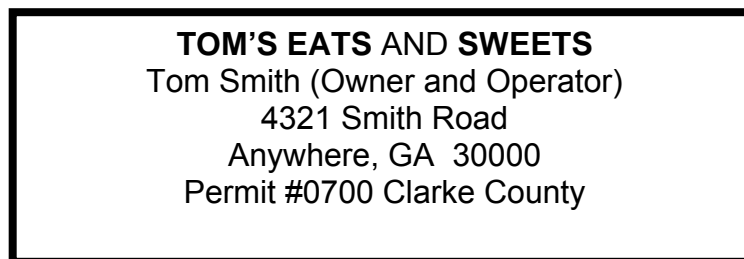
Servicing Areas: Servicing areas only apply to mobile food service units. Whether or not a base of operation will be required to have a servicing area depends on if its mobile food service unit has a wastewater tank due to unpackaged food being loaded onto the

unit. The required presence of a wastewater tank would also mean that a potable water supply that is under pressure is also required to be on the unit. When serving areas are required, they must have at least overhead protection. This overhead protection can be as elaborate as a garage or as simple as an awning. However, the overhead protection must be large enough to completely encompass the entire servicing area taking into account of blowing rain events. In addition, overhead protection must be connected to the base of operation at the point where unpackaged food will be moved from the base of operation and transferred onto the unit.

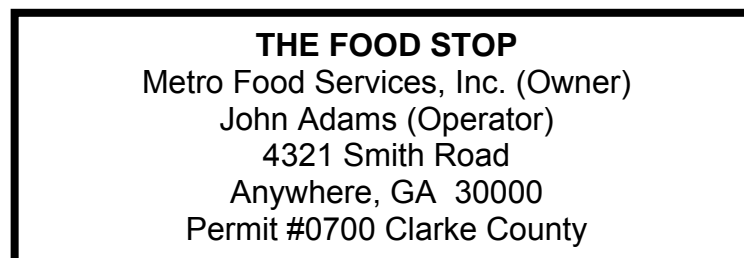
Identification:

Signage: It is a requirement of the Chapter that mobile food service and extended food service units are identified to the consumer and to the Health Authority. This requirement is necessary for purposes of traceback in the event of a foodborne illness outbreak or other enforcement purposes. This requirement is accomplished through a sign posted or lettering that is clearly and conspicuously posted onto the outside of the unit or units. The sign or lettering must indicate the name and address of the owner, the name of the operation along with the mobile food service establishment permit number issued by the county of origin. The lettering and numbers used to create the sign or lettering must be at least two inches (2") in height (See Example #8-1 and #8-2 below for examples of signage for mobile food service and extended food service units):

Example #8-1



Example #8-2



A copy of both the food service establishment permit and mobile food service unit permit(s) along with current inspection reports conducted by the Health Authority of the

base of operation and current inspection report(s) conducted by each Health Authority whose county the unit operates within must be displayed for public view on the mobile food service unit. These documents must be protected from inclement weather by use of waterproof frames or other devices that will not impede clear and unobstructed observation by consumers or by the Health Authority conducting inspections.

Location: The Chapter requires that mobile food service units maintain and provide to the Health Authority, a current listing of all food vending locations for mobile food service units and extended food service units for the purpose of enabling representatives of the Health Authority access to these units for inspection as specified in DPH Rule. The objective is for the Health Authority to be able to find the units for unannounced inspection to assess management's active managerial control over foodborne illness risk factors, to investigate a suspected outbreak and conduct traceback, or to be able to take enforcement action when necessary. Any changes to the locations provided must be made available to the Health Authority at least 7 days prior to making a change in location. A Food vending location is a fixed property location where a mobile food service unit or extended food service unit parks to offer its food products to its consumer or a route along a street that a mobile food service unit travels and periodically stops, at predetermined dates and times, to offer its food products to its consumers. It provides a means for local Health Authorities to know where each mobile food unit will be located and operating. This specific location and the time in which the mobile unit will be at the location is essential for the local Health Authorities to carry out the duties mentioned above as the objective in obtaining vending locations.

Mobile Food Service Operation vs. Off-Site Catering:

Mobile Food Service Operations: The Mobile food service operation permit, issued by the county of origin, and the associated Mobile Food Unit permit(s), issued in each local Health Authority (county) the unit(s) operate within, would only allow the permit holder to have a food service establishment that operates as a mobile food service establishment. This means the mobile food service unit would be allowed to solicit sales from non-contractual consumers at the vending locations that the operator submitted to the Health Authority at least 7 days prior to vending.

Catering Establishments Traditionally and as a method of operation, food service catering establishments do food service transactions based upon contractual agreement with their consumer. Food is prepared in bulk, containerized and delivered to a specific consumer on a specific date and time for a specified fee. If a catering operation is properly equipped with its own equipment and supplies (e.g. a hotel contracted to cater food to its banquet room), it can do some preparation onsite and can provide other services, such as decoration and serving of food, as well.

Types of Catering Food Service Establishments: Basically, the food industry has two types of food service catering establishments, onsite catering and off-site catering. An example of on-site catering would be a food service establishment in a hotel being contracted to provide food and service in its banquet room. An example of an off-site catering event would be that for a wedding. The caterer would prepare food and transport it to the site of the wedding. Upon arrival at the site of the wedding, the consumer would take possession of the food or the caterer could serve prepared food to the wedding guest.

Distinguishing Factors between Mobile Food Service Operations and Food Service Catering Establishments:

The difference between a catering establishment and a mobile food service establishment is based on how they operate. There is nothing to restrict a single applicant to be the permit holder of different types of permits (food service establishment, mobile food service, temporary, etc.). A permit holder could have a food service permit and operate as a caterer and at the same time, hold a mobile food service establishment permit/mobile food unit permit (s) and operate as a mobile food service establishment. In this case, the difference between the two operations is their method of operation and that mobile food service units are restricted to the vending locations submitted to the local Health Authority in which the mobile unit is permitted. In turn, these restrictions in operational locations would require the permit holder to keep the two operations separated. If a unit is permitted as a mobile food service unit, it could not be used as a catering unit. In this case, the regular food service permit, for a catering establishment, would require that separate unit(s) would be used and operated only as an off-site catering unit(s).

If an individual holds both food service permits for catering and mobile food service operation, the permit holder will be responsible for providing documentation, as determined by the Health Authority issuing such permits, disclosing how the unit(s) are being utilized for each type of food service operation.

Home Delivery Service: Home delivery food service, such as pizza or Chinese food delivery service, is sometimes loosely described as being a form of catering, but it is not. The customer will call the establishment and will make a verbal request of the establishment to deliver a food item from their menu. This type of food service is food delivery provided by the establishment. There is no standing contractual agreement for food to be prepared and delivered on or off-site.

Vending Location Interpreted:

A Food vending location is a fixed property location where a mobile food service unit or extended food service unit parks to offer its food products to its consumer or a route along a street that a mobile food service unit travels and periodically stops, at predetermined dates and times, to offer its food products to its consumers. It provides a means for local Health Authorities to know where each mobile food unit will be located and operating. This specific location and the time in which the mobile unit will be at the location is essential for the local Health Authorities to have the ability to conduct unannounced inspections; to assess management's active managerial control over foodborne illness risk factors; and to initiate required investigations in the event of a foodborne outbreak.

The operator of unit(s) must provide written evidence from the owner of the premises of the vending site that he has prior legal access to such premises for food vending. The content and format of such written evidence will be determined at the discretion of the Health Authority having jurisdiction,

If applicable, permit applicants must provide documentation of compliance with another jurisdiction's requirements, such as zoning, business licensing, building, and fire safety laws, codes, and or regulations.

Extended food service units: An extended food service unit is a stationary trailer, kiosk or similar unit operating as an extension of and under the managerial authority of the permit holder of its base of operation or its permitted food service establishment on the same property. If an extended food service unit operation deviates from its fixed location as stipulated by the extended food service unit permit, the extended food service unit permit will become invalid.

If applicable, the operator of unit(s) must provide written evidence from the owner of the premises of the vending site that he has prior legal access to such premises for food vending. The content and format of such written evidence will be determined at the discretion of the Health Authority having jurisdiction. If applicable, permit applicants must provide documentation of compliance with another jurisdiction's requirements, such as zoning, business licensing, building, and fire safety laws, codes, and or regulations.

Exceptions to Food Vending Requirements and Restrictions:

Limitations of Exceptions: The provisions within Rule -.08 subsection (1) (i) 2. the Chapter is intended to allow the following methods of operations to occur:

A food service establishment operates its own extended food service unit on the same property, for example a Kiosk, under its food service permit within an enclosed building, such as a shopping mall and or office building.

Compliance with Other Regulations: Mobile food service operations and extended food service operations must be in compliance with all applicable laws, regulations and ordinances as stated within Rule -.08 subsection (1) (j).

Prohibition of Service of Home Prepared Foods: Rule -.08 subsection (1) (k) is linked with the provisions of Rule -.04 subsection (2) (a) 2 of the Chapter. Food prepared within home kitchens, with their open entry to humans and pet animals, are frequently implicated in the microbial contamination of food. Because commercial items seldom are eaten right away, the home kitchen's limited capacity for maintaining food at proper temperatures may result in considerable microbial growth and toxin production by microorganisms introduced through the diverse sources of contamination. Controlled processing conducted within a properly designed and equipped food service establishment operating under the guidelines and requirements of Chapter 511-6-1 are required for the safe preparation of food to be served to the public.

Temporary Food Service Establishments

Operation, Permit Application, Responsibilities: It is a requirement of the Chapter that TFSEs be allowed to operate at the same location for no more than 14 consecutive days for any one event or celebration.

A celebration is interpreted to mean a transitory gathering of people for the purpose of taking part in organized activities, such as fairs and or festivals, for a specific purpose and it is publicly advertised.

An event is interpreted to mean a transitory gathering of people to take part in organized activities, such as a business marketing advertisement, outdoor sporting activities, or fund raisers, for a specific purpose and it is publicly advertised.

If a mobile food service unit is to be operated at a temporary food service event or celebration for more than one day, the permit holder of the mobile food service unit must obtain a valid temporary food service permit from the local Health Authority having jurisdiction of where the event and/or celebration is taking place. This action on the part of the mobile food service permit holder is necessary to allow the unit to stay at the event and/or celebration without having to report back to its base of operation for its daily servicing and supplying operations.

Unless the requirements in subsection (2) (c) 3. can be met by the applicant, the applicant will be restricted to limited food preparation and cooking as stated within

subsection (2) (d) 2. Should the applicant show that he or she can provide a properly equipped and protect food preparation area onsite of his or her temporary food service establishment, then more complex food preparation may be allowed by the Health Authority.

Raw or under cooked food of animal origin that are filter feeders, such as oysters, clams, muscles, etc., are prohibited from service. This is necessary due to the potential time necessary for trace-back and investigation, as related to the relative short time of a temporary event, should a food-borne illness outbreak to occur involving these types of foods.

Inspections

Temporary food service inspections will be conducted using the Department's Food Service Inspection Report Form and its associated Addendum Forms. It is adaptable to the methods of operation and menus of temporary food service establishments, which are widely varied from that of the traditional food service establishment or other special food service operations. Items on the Food Service Inspection Report Form that are not applicable to a temporary food service establishment would be marked as N/A (not applicable). Items that are not observable during the inspection would be marked NO (not observed). All other items (i. e., IN, OUT, COS, etc.) would be marked on the Form the same as it would be on any inspection. However, in the box entitled, "Purpose of Inspection", the bubble labeled, "Other", would be marked for temporary food service inspections. For documenting violations, corrective actions and temperatures use the "Food Service Establishment Inspection Report Addendum". Violations for GRP's must be corrected by the permit holder within the scope of the timeline for the temporary food service operation as intended within Rule -.10 subsection (j) 1 of Chapter 511-6-1 which states, "... or as otherwise directed by the Health Authority."

Preparation and Service – Potentially Hazardous Foods

Acceptable preparation site: Any potentially hazardous food (time/temperature control for safety food) may be served at the site of a temporary food service establishment if the following is met:

- The food is prepared and stored within the protective environment of a permitted, fixed food service establishment;
- The food is transported from a permitted, fixed food service establishment that meets all of the requirements of the Chapter;

- The food is stored and transported in protective containers at food product temperatures of < 41 degrees F or at > 135 degrees F (i.e. no handling and therefore cross-contamination is controlled).

Limited On-site preparation and service: On-site preparation of TCS foods is limited to that which requires only seasoning as in adding salt, pepper, or barbeque sauce. Preparation steps such as mixing, chopping, grinding, blinding, or slicing, etc., are not allowed on-site of the event, unless requirements as stated within subsection (2) (c) 3. can be complied with by the applicant. Further, only those foods that require cooking may be prepared and served. The reason is because a temporary event that is conducted outside provides an open environment in which environmental contamination is at play.

Prohibited preparation and service: Potentially hazardous foods (time/temperature control for safety foods) such as those with ingredients that are made up in part or all highly protein, moist and starchy of which are ready-to-eat, such as deli meats or potato salad. They can be easily cross-contaminated through mishandling by food employees and soiled equipment and there is no cooking (or kill step) to kill pathogens in or on the food. Temperature control of these products is not easily maintained and is often abused. These types of food products have a history of being a source for foodborne illness caused by pathogens, such as *Staphylococcus aureus*, normally found on food employee's hands, nose, and mouth. It is for these reasons that such food products cannot be safely prepared and served on-site under the limited, basic food safety environment of a temporary food service establishment.

Exemption to prohibited preparation and service of foods: The prohibition does not apply to foods listed in Rule .08 subsection (2) (d) 3. if the following requirements are met:

- Food is prepared, packaged in individual servings, and properly labeled in a permitted, fixed food service establishment that meets all requirements of the Chapter;
- Food is transported and held on-site at a product temperatures of < 41 degrees F or at > 135 degrees F until served to the consumer; and
- Food is served to the consumer directly in the unopened container in which it was packaged.

Exceptions to Compliance: Georgia Non-Profit Food Service Law - The Official Code of Georgia (O.C.G.A.) establishes local permitting, food safety standards, and enforcement of such for temporary events sponsored by a County, Municipality, or non-

profit organization that serves food to the public. The term “non-profit food sales and food service” and “organization” is defined in the law as follows (O.C.G.A. 26-2-390):

(1) "Nonprofit food sales and food service" means the temporary sale or service of food items by an organization at an event sponsored by a county, municipality, or organization or the temporary sale of food items by an organization if such sale is sponsored by a religious, charitable, or nonprofit corporation, including but not limited to churches, schools, clubs, lodges, or other such organizations.

(2) "Organization" means an organization exempt from taxes under paragraph (1) of subsection (a) of Code Section 48-7-25 or under Section 501(d) or paragraphs (1) through (8) or paragraph (10) of Section 501(c) of the Internal Revenue Code, as that code is defined in Code Section 48-1-2.

The following is required for operation of non-profit food service at events (O.C.G.A. 26-2-391):

(1) Event must be sponsored by a County, Municipality, or non-profit organization defined above.

(2) Permits issued by a County or Municipality for the operation of non-profit food service. The County or Municipality may delegate permit issuance to the local board of health.

(3) The event must be held on property belonging to the sponsoring county, municipality, or organization or on property of a party that has provided written consent for use of the property.

(4) The event last 120 hours or less.

Non-profit organizations should contact their local County or Municipality to inquire about permitting requirements for non-profit events that will have food service. If the County or Municipality has delegated permitting authority to the local health department, then contact the local Environmental Health office of that County Health Department.

Applicability of Sponsorship: The determining factor as to whether or not a food service permit issued under the Georgia Food Service Rules and Regulations Chapter 511-6-1 or a nonprofit temporary food service permit issued under Article 14 depends on the organizer. If the event is sponsored by a for-profit entity, for profit vendors would be issued a Temporary Food Service permit under Chapter 511-6-1 and all non-profit vendors would fall under the non-profit law requirements only if the event lasts less than 120 hours and meets all other provisions of the non-profit law requirements. If, however, the event lasts longer than 120 hours, then all vendors would be issued a

Temporary Food Service Permit under Chapter 511-6-1. However, should the organizer of the event be a nonprofit entity, then all food service occurring on the premises of the event would be considered as nonprofit and as such, it would fall under the jurisdiction of Article 14.

Permit Issuance and Forms: Under Article 14, state temporary food service permit as stated within Chapter 511-6-1 cannot be issued to nonprofit temporary food service establishments. Further, the state food service inspection report form and addendums used for routine food service inspections cannot be used to conduct nonprofit temporary food service establishments.

Jurisdiction: In order for county boards of health to issue nonprofit temporary food service establishment permits and conduct inspections, city and county governments must request county boards of health to do so on their behalf. If asked, county Boards of Health will issue a permit for the city or county government in which the nonprofit fair or festival is occurring. However, should the city or county governments wish to issue a permit themselves, then county boards of health would not have any part in the permitting and inspection process. However, county boards of health may provide staff assistance to organizations at nonprofit events for providing food safety instruction.

Enforcement: The county or municipality issuing a permit for the operation of a nonprofit food sales and food service event shall be authorized to enforce the provisions of this article and any party whose property is used for the operation of a nonprofit food sales or food service event without such party's written authorization may seek legal and equitable remedies including, but not limited to, damages and injunctive relief against unauthorized users.

Incubator Food Service Operations - Rule .02(1)(a)4. which reads, "Permits shall not be issued to separately owned food service operations of which it is proposed to utilize common food service equipment and facilities to ensure that the risk of cross-contamination is prevented. This provision would be used by incubator food service establishments to request a variance. In doing so, they will be required to submit their contractual agreement which outlines the managerial oversight that the permit holder has over the incubatee/member as well as detailed Standard Operating Procedures for controlling for cross-contamination, monitoring critical limits and control points, verifying Employee Health, and ensuring active managerial control of the risk factors. "Incubator food service establishment" means a food service establishment properly sized, designed, equipped, and managed to foster multiple catering entrepreneurs, by covering the capital startup-cost through the provision of a commercial food service kitchen. These commercial food service kitchen facilities are rented to caterers, that are called incubatees/members, on a separation of time and space basis. The incubator

food service establishment, also known as a incubator food service establishment or shared kitchen, enables a caterer to develop to the stage where it may invest in its own commercial food service establishment, equipment, and facilities. Within Chapter 511-6-1, there are two basic types of incubator food service establishments:

1) In Business Model A there is a single food service establishment operation that has a single permit holder and incubatees/members are considered to be contractual employees of the permit holder that utilize the food service establishment on a separation of time and space basis. In Model A, the single permit holder would have COMPLETE ACTIVE MANAGERIAL CONTROL over all incubatees/members, meaning the permit holder is responsible for all operations at the facility.

2) In Business Model B, there is a business relationship in which there is an overall permit holder for the establishment (similar to Business Model A) that provides the overall building, utilities, main food and supply storage facilities, solid waste disposal and overall sanitation and COMPLETE ACTIVE MANAGERIAL CONTROL. In this model, individual, food service establishments operate within build-out units lent on a contractual time-share basis. The overall permit holder must qualify for a permit to operate the facility and would be responsible for the overall active managerial control within the facility; however, each incubatee/member will hold a permit as well. An Incubatee/Member means a food industry entrepreneur who is operating under the authority and active managerial control of a permit holder of an incubator food service establishment on a separation of time and space basis. Incubator food service establishments” are rented to incubatees/members on a separation of time and space basis.

The incubator food service establishment, also known as a kitchen incubator or shared kitchen, enables a food service operation such as a caterer to develop to the stage where it may invest in its own commercial food service establishment equipment and facilities. The greatest concern in this type of operation is cross-contamination because incubatees/members plan to share common equipment which would not be allowed in a food service establishment without a variance and Standard Operating Procedures to control for cross-contamination. In addition, the overall permit holder in both models must describe the procedures for ensuring Employee Health, proper scheduling, active managerial control is maintained, and they must detail how food will be tracked from receiving to service to name a few items. There must be a signed contract between the permit holder and the incubatee/member prior to the incubatee/member working in the establishment.

Catering Food Service Establishments - A new definition was added for catering food service establishments. It is consistent with how we have been interpreting catering in the past. It means a food service establishment that contracts with a consumer to prepare a specific menu and amount of food in a permitted food service establishment for service to the consumer at a different location as per the contractual agreement. Catering should not be confused with delivery services such as pizza delivery. Food

service establishments limit their delivery service radius generally by limiting miles driven or actual drive time to ensure the food reaches the destination at proper temperatures. Catering includes on-site and off-site caterer operations; but does not include operations such as mobile food service establishments, temporary food service establishments, and extended food service establishments. A catering operation, mobile food service unit, and extended food service unit require mechanical, thermostatically controlled units to maintain TCS food at proper cold and hot holding temperatures while in storage, transport, and the point of service.