**Conference for Food Protection**

**2016 Issue Form**

**Issue: 2016 I-018**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Council Recommendation:** | Accepted asSubmitted |  | Accepted as Amended |  | No Action |  |
| **Delegate Action:** | Accepted |  | Rejected |  |  |  |

*All information above the line is for conference use only.*

**Title:**

Defining Food Establishments—Amend Section 1-201.10(B)

**Recommended Solution: The Conference recommends...:**

that a letter be sent to the FDA requesting the definition of Food Establishments in the 2013 Food Code section 1-201.10(B) be amended as follows (new language is underlined; language to be deleted is in strikethrough format):

**1-201.10 Statement of Application and Listing of Terms**

**(B) Terms Defined.** As used in this Code, each of the terms listed in ¶ 1-201.10(B) shall have the meaning stated below.

**Food Establishment.**

(3) "Food establishment" does not include:

~~(a) An establishment that offers only prePACKAGED FOODS that are not TIME/TEMPERATURE CONTROL FOR SAFETY FOODS;~~

(~~b~~a) A produce stand that only offers whole, uncut fresh fruits and vegetables;

(~~c~~b) A FOOD PROCESSING PLANT; including those that are located on the PREMISES of a FOOD ESTABLISHMENT

(~~d~~c) A kitchen in a private home if only FOOD that is not TIME/TEMPERATURE CONTROL FOR SAFETY FOOD, is prepared for sale or service at a function such as a religious or charitable organization's bake sale if allowed by LAW and if the CONSUMER is informed by a clearly visible placard at the sales or service location that the FOOD is prepared in a kitchen that is not subject to regulation and inspection by the REGULATORY AUTHORITY;

(~~e~~d) An area where FOOD that is prepared as specified in Subparagraph (3)(~~d~~c) of this definition is sold or offered for human consumption;

(~~f~~e) A kitchen in a private home, such as a small family day-care provider; or a bed-and-breakfast operation that prepares and offers FOOD to guests if the home is owner occupied, the number of available guest bedrooms does not exceed 6, breakfast is the only meal offered, the number of guests served does not exceed 18, and the CONSUMER is informed by statements contained in published advertisements, mailed brochures, and placards posted at the registration area that the FOOD is prepared in a kitchen that is not regulated and inspected by the REGULATORY AUTHORITY; or

(~~g~~f) A private home that receives catered or home-delivered FOOD.

It is the policy of the Conference for Food Protection to not accept Issues that would endorse a brand name or a commercial proprietary process.