

Licensing



What Will You Learn?

- * Describe how licensing benefits both the food establishment operator and the regulatory agency.
- * Use MDH and MDA websites to determine which agency licenses food establishments in four Minnesota cities.
- * Categorize food establishments as **high-risk**, **medium-risk**, or **low-risk** based on menu and food flow.

Why Get a License?

Licensing provides:

- * Resources and education.
- * Routine inspections.
- * Follow-up.
- * Consumer confidence.
- * Level playing field.

FBI Outbreaks

Associated with an Unlicensed
Establishment

Associated with a Licensed
Establishment



UNLICENSED

Background

- * October 1, 2013 MDH learned of a complaint of GI illness in a group that attended a U of M homecoming event.
 - * Event took place on September 27.
 - * Approximately 400 attended.
- * Food was provided by a caterer in St. Paul.
- * Additional information revealed that the caterer was not licensed.

UNLICENSED

Attendee Interviews

- * Email messages were sent to 273 picnic attendees.
- * 53 attendees were interviewed.
 - * 22 met the case definition.
 - * 100% reported diarrhea.
 - * 82% reported cramps.
 - * 23% reported fever.
 - * 1 person reported vomiting.
 - * Median incubation was 9.5 hours.
 - * Median duration was 16 hours.
- * Because of delayed notification of the outbreak, MDH was unable to collect stool samples.
 - * Based on symptoms, incubation period, and duration of illness, this appears to have been an outbreak of bacterial intoxication.



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Menu for the Event

Foods served by caterer included:

- * Non-potentially hazardous foods

PHFI* Potentially hazardous foods:

- * Can support growth of bacteria that cause foodborne illness.
- * Can support growth of *Clostridium botulinum* or, in raw shell eggs, growth of *Salmonella enteritidis*. (Minnesota Rules, part 4626.0020, subpart 62)

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Menu for the Event

Foods served by caterer included:

PHF! Vegetarian red beans and rice.

PHF! Red beans and rice with smoked turkey.

PHF! Potato salad.

PHF! Baked beans.

* Corn bread.

PHF! Grilled / fried chicken.

PHF! Brats.

PHF! Hamburgers.

PHF! Veggie brats.

* Buns.

* Peach and apple cobbler.

* Cookies, cakes, bars, brownies.

* Canned soda and bottled water.

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* Buns.

* Peach and apple
cobbler.

* Cookies, cakes, bars,
brownies.

* Canned soda and
bottled water.

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Food Preparation – What Went Wrong?

- * Caterer and husband prepared all foods on the morning of the event.
- * Foods were prepared in a small church kitchen with:
 - * One reach-in cooler.
 - * One hot-holding cabinet.
 - * One oven with range.
- * Grilling of meats in separate church parking lot.
- * Improper cooling, hot holding and reheating were noted.
- * No temperature logs or records available.

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Why Get a License?

Licensing provides:

- * Resources and education.
- * Routine inspections.
- * Follow-up.
- * Consumer confidence.
- * Level playing field.

If this caterer had been licensed:

- * Plan review.
- * One-on-one education about cooling, reheating, hot holding.
- * Verify safe food handling.
- * Identify areas for improvement.
- * Complaint reporting.
- * Stool samples collected in good time.
- * Safe food is good business.

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Background

- * January 5, 2012, restaurant manager forwards two independent complaints of illness to local public health.
 - * Birthday party at restaurant on January 1, 2012.
- * Local agency contacts MDH, investigation initiated immediately.
- * Sanitarians on-site January 6 to evaluate food prep and handling.
- * The reservation list for January 1 was obtained.

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Patron Interviews

- * 67 patrons were interviewed.
 - * 21 met the case definition (13 of 24 birthday party guests, and 8 of 43 additional patrons).
 - * 86% reported vomiting.
 - * 57% reported diarrhea.
 - * 52% reported cramps.
 - * 38% reported fever.
 - * Median incubation was 33.5 hours.
 - * Median duration was 54 hours.
- * Two stool samples submitted, both were positive for norovirus.



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Additional Findings

- * Cases reported eating variety of food items.
 - * No item significantly associated with illness.
- * 41 employees interviewed.
 - * None reported illness previous to or on meal date.
 - * Two employees reported illness after meal date (onset January 2 and January 3).



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Corrective Actions

- * Bare-hand contact with ready-to-eat foods observed.
 - * Inspectors provided education to eliminate this practice.
- * Two ill employees excluded.
- * Facility was cleaned and sanitized.
- * No additional patron illness after complainant meal date.

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Why Get a License?

Licensing provides:

- * Resources and education.
- * Routine inspections.
- * Follow-up.
- * Consumer confidence.
- * Level playing field.

Because this restaurant was licensed:

- * Notified health department immediately.
- * Glove use, facility cleaning, and employee exclusion.
- * Inspectors on-site quickly to assess food handling practices and employee illness.
- * Timely collection of stool samples, positive norovirus.
- * Two ill employees excluded, preventing further spread among food workers.

Who is Exempt From Licensure?



- * Church Lady Bill.
- * Potluck.
- * Chili or Soup Cook-off Fundraisers.
- * Charitable organizations.
- * Cottage Foods.
- * Product of the farm.
- * Food Product Sampling and Demonstration.



Church Lady Bill

[Minnesota Statutes, part 157.22](#)

- * Weddings, fellowship meals, or funerals conducted by a faith-based organization in a building constructed and primarily used for religious worship.
- * Any foods served at fund-raisers or community events conducted in the building or on the grounds of a faith-based organization.
 - * Volunteer or manager must be trained in food safety.
- * Exemptions do not apply to schools, daycares, faith-based organizations at county fairs, Minnesota State Fair, or organizations that choose to apply for a license.

Potluck Exemption

Minnesota Statutes, part 157.22

- * Attendees of a potluck event bring food to the event to share.
- * Potluck food cannot be brought into a licensed food establishment kitchen.



Chili or Soup Cook-off Exemption

Minnesota Statutes, part 157.22

- * City or town approves the fundraiser.
- * Participants follow food safety rules developed by the organizer.
- * Chili or soup is properly labeled.
 - * **Homemade:** These products are homemade and not subject to state inspection. Prepared by (name/address).
 - * **Made in licensed kitchen:** Prepared by (name/address).

Charitable Organizations, Candy, etc.

[Minnesota Statutes, part 28A.15](#)

- * Non-profit, tax-exempt organizations: Goodwill bake sale, American Red Cross fundraiser, Girls & Boys Club mobile event, Catholic Charities, etc.
- * Businesses providing convenient water, ice, soft drinks, coffee, and snacks for themselves or for employees are exempt from licensing.
- * Licensed pharmacy: Ice, bottled soft drinks, and pre-packaged candy and nuts.



Cottage Foods

Minnesota Statutes, part 28A.152

- * Sales at community events, farmers' markets, direct from the home or online.
- * Non-potentially hazardous foods, including:
 - * Breads, baked goods, and baking mixes.
 - * Candies.
 - * Dry soup mixes.
- * Home-canned and home-processed foods with a pH of 4.6 or below, or a water activity (a_w) of 0.85 or below including:
 - Pickled vegetables and fruit with $\text{pH} \leq 4.6$.

Cottage Foods

Minnesota Statutes, part 28A.152

- * Must post sign stating “These canned goods (or products) are homemade and not subject to state inspection.”
- * Individuals only, does not apply to corporations, LLCs, etc.
- * Two sales tiers: \$0 - \$5,000 and \$5,000 - \$18,000
- * Cottage Food specific training required
- * Registration with MDA required annually
 - * \$50 registration fee applies to tier 2
- * Sales must be direct from the producer to the end consumer
- * Does not preempt local zoning or business ordinances



Product of the Farm

Minnesota Statutes, part 28A.15

- * Fruits and vegetables directly from the farmer/producer.
- * Poultry, waterfowl and game birds processed on the farm and sold directly to the individual consumers or households. *Additional requirements apply for on-the-farm slaughter.*



Product of the Farm (Shell Eggs)

Minnesota Statutes, part 28A.15

- * Shell eggs sold directly by the farmer or producer.
- * Packaging must include:
 - * Grade and size.
 - * Name, address and zip code of the farmer.
 - * Julian package date.
 - * Freshness date not exceeding 30 days from packaging.
 - * Safe handling instructions.



Food Product Sampling and Demonstration

Minnesota Statutes, part 28A.151

- * Only applicable at a farmer's market or community event.
- * Food Product Sampling: a 3 ounce portion or less of a food or beverage provided at no cost to promote or educate the public about the product being sold by the vendor.
- * Food Product Demonstration: cooking or preparing foods to distribute to the public to promote or educate about the product.

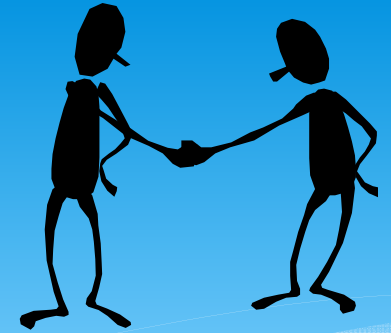
Food Product Sampling and Demonstration

Minnesota Statutes, part 28A.151

- * Upon request from inspection agency; person conducting sampling or demonstration must provide information about the following:
 - * Source, type, and volume of food, equipment used to serve food, location and time of event, handwashing and dishwashing facilities, water source, and garbage disposal.
- * Vendors must meet food safety standards
 - * Special Event Food Stand as outlined in the Minnesota food code 4626.1855 items B to O, Q, R and 4626.0330 (consumer self-service requirements)

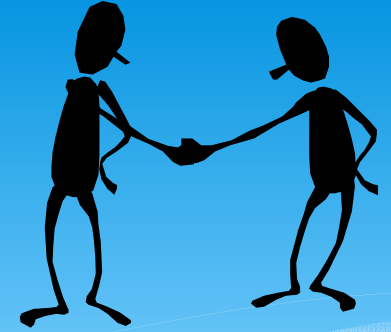
Shared Responsibility

Licensing Agencies



- * Minnesota Department of Health (MDH).
- * Minnesota Department of Agriculture (MDA).
- * Local public health agencies with delegated authority from MDH and/or MDA.
 - County.
 - City.

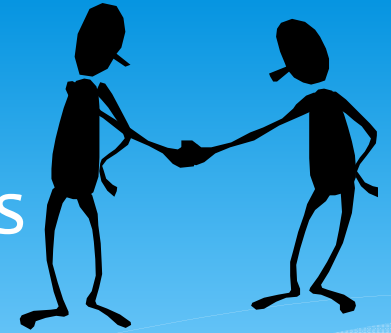
Shared Responsibility Licensing Agencies



- * MDH and MDA share responsibility for licensing.
- * MDH – Food and beverage such as traditional restaurants, fast food establishments, bars, caterers, schools, hospitals, nursing homes, etc.
- * MDA – Retail food such as packaged food products, bakery items, etc., and wholesale food manufacturing and distribution.
- * Memorandum of understanding and statute prevents duplication of licensing.

Shared Responsibility

Predominant Mode of Business



- * Licensed by MDH if >50% of sales consists of food served for immediate consumption such as:



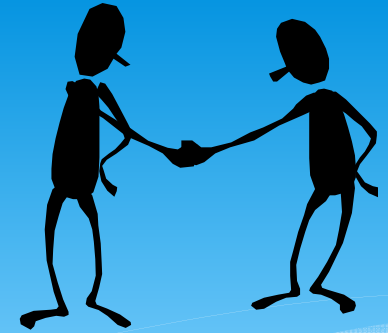
- Self-serve hot dogs.
- Pizzas made to order.
- Fountain beverages.
- Deli counter that serves meatloaf or chicken dinners.
- Salad bar.

- * Licensed by MDA if >50% of sales consists of packaged food such as:

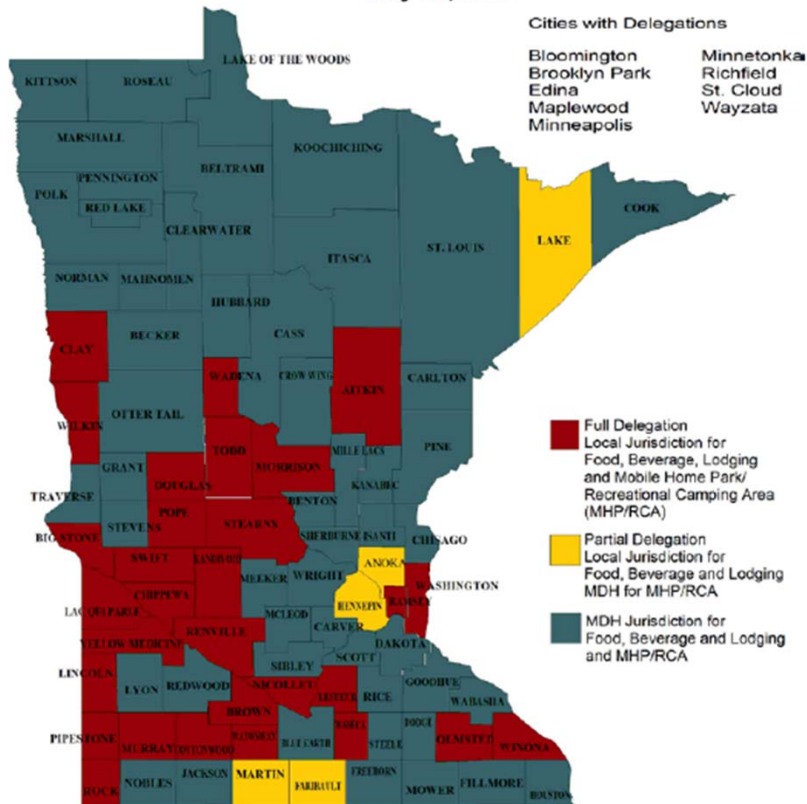
- Packaged hot dogs.
- Frozen pizzas and dinners.
- Bottled beverages.
- Any boxed, bagged, or packaged items.



Shared Responsibility MDH Delegation Map



County Delegation Map of Food, Beverage and Lodging
and Mobile Home Park/Recreational Camping Area
Jurisdiction
May 21, 2014

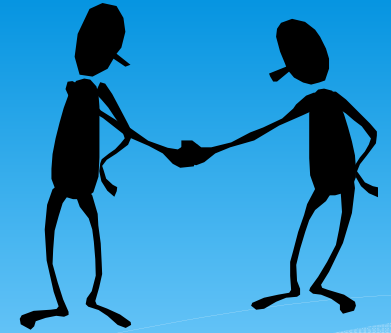


www.health.state.mn.us/divs/eh/food/license/contactmap.html

- * Useful tool to determine which counties have one or more delegation agreements.
- * If the county you wish to operate in has delegations, turn to the directory for more info.

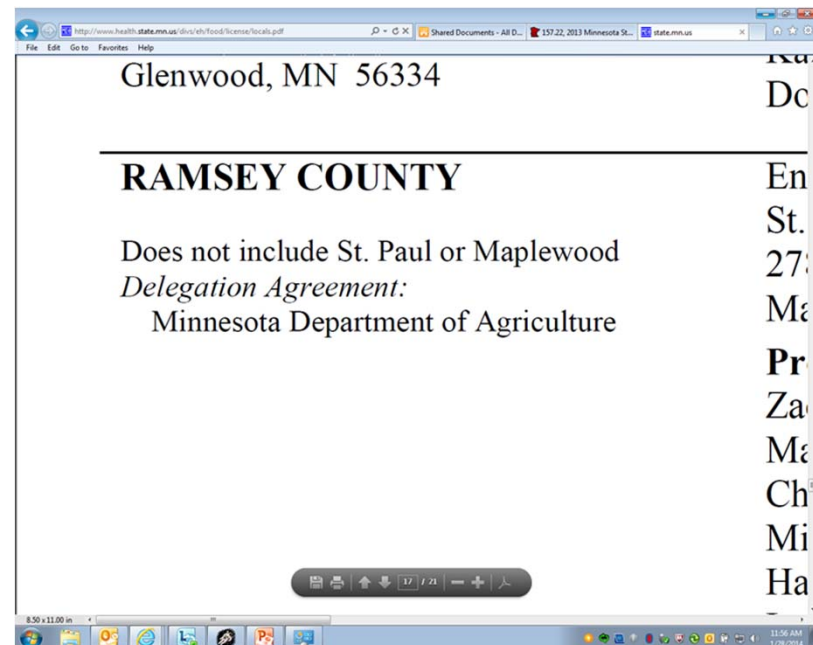


Shared Responsibility Local Directory



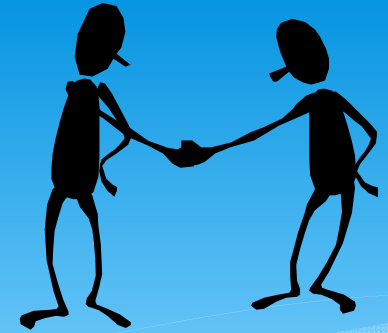
www.health.state.mn.us/divs/eh/food/license/locals.pdf

- * Refer to the county where the food will be served.
- * Each city listed in the “Does not include...” list normally has it’s own delegation agreement.



Shared Responsibility

Find Your MDA Inspector



gis.mda.state.mn.us/food/



[ABOUT MDA](#)
[MDA A-Z](#)
[STAFF LISTING](#)
[HOME](#)

651-201-6000
800-967-2474
800-627-3529 TDD
[PARKING](#)

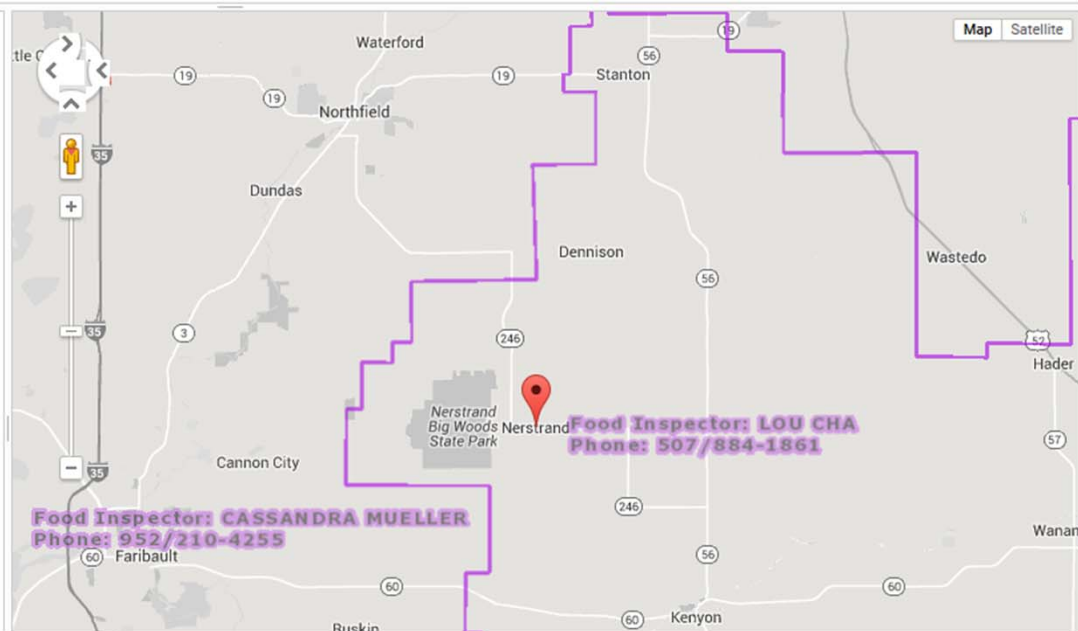
Find Your Food Inspector

Click inside the map, or type in an Address, City, or Zip below:

Find

Address Found: Nerstrand, MN 55053, USA
County: Rice

Inspector: LOU CHA
Phone: 507/884-1861



Who is My Inspector? Activity

Misty's Groovy Bar



- * Melissa “Misty” Johnson has worked as a manager/bartender at several local establishments.
- * When a building in Rochester went up for sale, she bought it, and has been renovating the interior for upper-level apartments and a main-floor bar.
- * Location: 100 Groovy Way West, Rochester.
- * Menu: Full tap bar with bottled beer, mixed drinks, frozen pizzas (pepperoni, sausage, supreme), pre-packaged sandwiches, and popcorn.

Who is My Inspector? Activity

MDH, MDA or Which Local Agency?



- * Based on *menu*, would Misty's Groovy Bar be licensed by a health department or an agriculture department?
 - * Based on *location*, would Misty's Groovy Bar be licensed by the state or a locally delegated agency?
 - * Can you find the right contact name, phone number and email using the tools provided above?
- * *Health*
 - * *Olmsted County*
 - * melius.michael@co.olmsted.mn.us
507-328-7453

Who is My Inspector? Activity

Disco Deli & Café, LLC



- * Disco Deli is a new entity opening in three locations.
- * Pete and Julie are partners in life as well as in business. Julie has the training and skills in the kitchen, and Pete will run the business side.
- * In their vision, each of the three locations is a little bit different.
 - Flagship store in St. Paul.
 - Strip mall in Maplewood.
 - Small kiosk in a mall in Roseville.

Who is My Inspector? Activity

Disco Deli Flagship Store



- * At their flagship store Julie and her team will cook whole beef roasts and pasta for salads, and cool these ingredients to use them in their out-of-sight menu items. They will also slice all of the meat and cheese for sandwiches and salads at this location for all three delis.
- * Location: 101 Disco Street, St. Paul.
- * Menu: Sandwiches, pasta salads, mixed greens salads, beer and wine.

Who is My Inspector? Activity

Disco Deli Strip Mall



- * The strip mall location will receive pre-made salads, and sliced meat and cheeses from St. Paul. Employees build sandwiches and portion salads to customer order.
- * Location: 4710 Funky Place, Maplewood.
- * Menu: Sandwiches, pasta salads, and mixed green salads.

Who is My Inspector? Activity

Disco Deli Mall Kiosk



- * For their third location Pete and Julie leased a small kiosk in a mall in Roseville where they will sell only pre-packaged items manufactured at their flagship store.
- * Location: 6500 Jive Drive, Roseville.
- * Menu: Pre-packaged sandwiches and salads.

Who is My Inspector? Activity

MDH, MDA or Which Local Agency?



- * Based on *menu*, would a health department or agriculture department license:
 - The Disco Deli flagship store? * *Health*
 - The Disco Deli strip mall location? * *Health*
 - The Disco Deli mall kiosk? * *Agriculture*

Who is My Inspector? Activity

MDH, MDA or Which Local Agency?



* Based on *location*, who would license:

- The Disco Deli flagship store?
- The Disco Deli strip mall location?
- The Disco Deli mall kiosk?

* *MDH*

* *City of Maplewood*

* *Ramsey County*

Who is My Inspector? Activity

MDH, MDA or Which Local Agency?



- * Can you find the right contact names, phone numbers and emails using the tools provided above?
- * *MDH*
 - charles.dierker@state.mn.us
 - 651-201-3982
- * *City of Maplewood*
 - * Molly.wellens@ci.maplewood.mn.us
 - * 651-249-2308
- * *Ramsey County*
 - Mark.clary@co.ramsey.mn.us
 - 651-226-1170

Licensing Process

1. Identify the menu to be served.
2. Identify ALL locations where the food will be prepared, served and stored.
3. Identify predominant mode of business: retail or wholesale.
4. Additional considerations:
 - New business.
 - New location.
 - Change of ownership.
 - Change in official company name.
 - Remodel of existing food establishment.

Risk Categories



- * **Risk:** A situation involving exposure to danger, harm or loss.
- * Important for inspection focus.
- * Type of equipment needed.
- * **Temperature danger zone (TDZ):** temperatures from 41°F → 140°F.

Risk Categories

[Minnesota Statutes, part 157.20](#)



- * **High-risk:** PHFs requiring extensive processing (e.g., handling, cooling, reheating, or holding for service), prep foods hours or days before service, foods associated with foodborne illness.
- * **Medium-risk:** PHFs with minimal holding between preparation and service, or foods (e.g., pizza) requiring handling *before* cooking.
- * **Low-risk:** not high-risk or medium-risk.

Risk Categories

Minnesota Statutes, part 157.20



- * Inspection frequency (minimum):
 - **High-risk** inspected annually.
 - **Medium-risk** inspected once every 18 months.
 - **Low-risk** inspected once every 2 years.
- * An inspection may occur *at any time* without notice due to a complaint, surveillance sampling or for an emergency.

Risk Categories

Examples of Low-Risk



- * Continental breakfast.
- * Packaged food.
- * Beverages only.
- * Bulk food or re-packaging non-PHF (e.g., shelf-stable candy, nuts, dry goods, grains, beans, rice).

Risk Categories

Examples of Medium-Risk



- * Fast food establishment that serves hamburgers for same-day service.
- * Sandwich shop.
- * Coffee shop with other foods.
- * Convenience stores with fully cooked, reheated hot foods.

Risk Categories

Examples of High-Risk



- * Restaurant that prepares food items that travel through TDZ at least twice.
- * Caterers.
- * Bakeries (when licensed as retail establishments).
- * Facilities that require HACCP: Acidified food producer; smoking or curing meats/fish; reduced oxygen packaging (ROP) of any potentially hazardous foods (e.g., soups, pastas, meats).

Who is My Inspector? Activity

Risk Categories for Misty's and Disco Deli



- * Based on this information, what is the risk category for Misty's Groovy Bar?
- * *Low-risk*

- * Based on this information, what is the risk category for:
 - Disco Deli flagship store?
 - Disco Deli strip mall store?
 - Disco Deli mall kiosk location?
- * *High-risk*
- * *Medium-risk*
- * *Low-risk*

Risk Categories Activity



- * Review the definitions of **high-risk**, **medium-risk** and **low-risk**.
- * Read the menu descriptions on each card.
- * Classify each menu item as **high-risk**, **medium-risk** or **low-risk**.

Certified Food Manager (CFM) Duties

[Minnesota Rules, part 4626.2005](#)

- * Identify hazards in the daily operation of the food establishment.
- * Develop and implement policies and procedures to prevent foodborne illness.
- * Coordinate employee food safety training.
- * Direct food preparation activities and take corrective action as needed.
- * Conduct periodic in-house self-inspections to ensure that food safety policies and procedures are followed.

Demonstration of Knowledge

[Minnesota Rules, part 4626.0030](#)

- * CFM or PIC must be able to demonstrate knowledge of foodborne disease prevention and the requirements of the food code including:
 - Proper handwashing procedures.
 - Personal hygiene.
 - Identifying symptoms related to foodborne illness.
 - Knowledge of proper cooking, cooling and holding temperatures of foods prepared in their establishment.
 - Awareness of possible points of cross-contamination.
 - Proper cleaning and sanitizing.
 - Identifying critical control points when a HACCP plan is required.

What Have You Learned?

- * MDH and MDA license food establishments in Minnesota based on menu items and method of preparation.
- * MDH and MDA delegate the authority to license and inspect to some counties and cities in Minnesota.
- * Food establishments are categorized as **high-risk**, **medium-risk**, and **low-risk**.
- * Risk helps determine inspection frequency, type of equipment needed by the operator, focus of inspection by inspector and CFM.

Questions

