



# EL PASO COUNTY DEPARTMENT OF HEALTH AND ENVIRONMENT

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Use this checklist to help determine whether an establishment meets the criteria for Retail Food Establishment license as defined in the Colorado Food Protection Act, Section 25-4-1601, *et seq.*, C.R.S.

## Checklist

### Does a Facility Meet Criteria as a Retail Food Establishment?

- 1) According to the Food Protection Act, “Retail Food Establishment” means a retail operation that stores, prepares, or packages food for human consumption or serves or otherwise provides food for human consumption to consumers directly or indirectly through a delivery service, whether such food is consumed on or off the premises or whether there is a charge for such food.
  - Exceptions are listed in the next section.
  - Facilities that meet the definition above without exception **MUST** maintain an annual Retail Food Establishment license. Applications and information are available through the EPCDHE Environmental Health Services Program, (719) 575-8635.
- 2) The following list identifies facilities that do **NOT** meet the State definition of “Retail Food Establishment.” Facilities that meet any of the exceptions below are not required to maintain an annual Retail Food Establishment license. However, EPCDHE strongly encourages these facilities to be educated about and practice safe food handling practices.
  - The donation, preparation, sale, or service of food by a non-profit or charitable organization in conjunction with an event or celebration if such donation, preparation, sale or service of food:
    - Does not exceed the duration of the event or celebration; OR
    - Does not exceed a maximum of 52 days within a calendar year; and
    - Takes place in the county in which such non-profit or charitable organization resides or is principally located
  - Establishments with a Colorado liquor, beer or wine license may have an additional requirement for a retail food establishment license. These facilities should refer to the applicable license law or contact our office to determine if there are other food service requirements.
  - Any private home
  - Private boarding house (including bed and breakfast)
  - Hospital and health facility patient feeding operating licensed by the state health department.
  - Child care centers and other child care facilities licensed by the Department of Human Services.
  - Hunting Camps and other outdoor recreation locations where food is prepared in the field rather than at a fixed base of operation
  - Food or beverage wholesale manufacturing, processing, or packaging plant, or portions thereof, that are subject to regulatory controls under state or federal laws or regulations
  - Motor vehicles used only for the transport of food
  - Establishments preparing and serving only hot coffee, hot tea, instant hot beverages, and non-potentially hazardous<sup>1</sup> doughnuts or pastries obtained from sources complying with all laws related to food and food labeling
  - Establishments that handle only non-potentially hazardous<sup>1</sup> prepackaged food and operations serving only commercially prepared, prepackaged requiring no preparation other than the heating of food within its original container or package
  - Farmers markets and roadside markets that offer only uncut fresh fruit and vegetables for sale
  - Automated food merchandising enterprises that supply only prepackaged non-potentially hazardous<sup>1</sup> food or drink or food or drink in bottles, cans, or cartons only, and operations that dispense only chewing gum or salted nuts in their natural, protecting covering

<sup>1</sup> Refer to the Colorado Retail Food Establishment Rules and Regulations for a full definition. In general, a non-potentially hazardous food is a food item that does not require refrigeration to ensure food safety. A potentially hazardous food means a food that is natural or synthetic and that requires temperature control because the food is capable of growing infectious or toxic microorganisms.