

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Division of Environmental Health and Sustainability

COLORADO RETAIL FOOD ESTABLISHMENT REGULATIONS

6 CCR 1010-2

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

Adopted by the Board of Health on November 15, 2017; effective, January 1, 2019

2.1 Authority

This regulation is adopted pursuant to Sections 25-1-108(1)(c)(I), 25-4-1603, 25-4-1604(1)(b)(I), and 25-5-420, Colorado Revised Statute (C.R.S.) and is consistent with the requirements of the State Administrative Procedure Act, Section 24-4-101, *et seq.*, C.R.S.

2.2 Scope and Purpose

- A. This regulation shall be applied for the protection of public health by providing food to consumers that is safe, unadulterated, and honestly presented.
- B. This regulation establishes definitions; sets standards for management and personnel, food operations, equipment and facilities; and provides for food establishment inspection, employee restriction, and permit suspension.
- C. This regulation does not apply to facilities or conditions listed in Section 25-4-1602(14)(a)-(m), C.R.S.
- D. Section 2.6 of this regulation incorporates by reference:
 - 1. *Food Code, 2013 Recommendations of the United States Public Health Service/Food and Drug Administration* as published by the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration (*the Code*), as published on November 15, 2017.
 - 2. *Supplement to the 2013 Food Code* (2015), U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, (*the Supplement*), as published on November 15, 2017.

2.3 Applicability

- A. Pursuant to the provisions of Sections 25-4-1602(14), 25-4-1603, and 25-4-1604(1)(b)(I), C.R.S., this regulation:
 - 1. Shall apply to a retail establishment 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.

- B. In accordance with Section 25-4-1604(1)(b)(II), C.R.S., this regulation shall include but not be limited to general overall retail food establishment and equipment design and construction; sanitary maintenance of equipment, utensils, and facilities for food preparation, service, and storage; wholesomeness of food and drink; source and protection of food and water; disposal of liquid and solid wastes; and other rules for the effective administration and enforcement of the Colorado Food Protection Act, part 16, article 4, title 25, C.R.S.
- C. The department shall utilize *the Code*, *the Supplement*, department policy guidance pursuant to Section 25-4-1602(17), C.R.S., or other department-approved methods as authorized by statute and as appropriate to assure that retail food establishments comply with the Colorado Food Protection Act, part 16, article 4, title 25, C.R.S.

2.4 Definitions

- A. For the purpose of these rules and regulations:
 - 1. Food establishment (as used in *the Code* and *Supplement*) means, for the purposes of this regulation, Retail Food Establishment as defined in Section 25-4-1602(14) C.R.S.
 - 2. Inspection (as used in *the Code* and *Supplement*) means, for the purposes of this regulation, Inspection as defined in Section 25-4-1602(7) C.R.S.
 - 3. Permit (as used in *the Code* and *Supplement*) means, for the purposes of this regulation, License as defined in Section 25-4-1602(8) C.R.S.
 - 4. Permit holder (as used in *the Code* and *Supplement*) means, for the purposes of this regulation, Licensee as defined in Section 25-4-1602(9) C.R.S.
 - 5. Regulatory authority (as used in *the Code* and *Supplement*) means, for the purposes of this regulation, Department as defined in section 25-4-1602(3), C.R.S. and any county or district board of health with powers and duties delegated by the department in accordance with Section 25-4-1604(1)(i), C.R.S.

2.5 License Requirements

Retail food establishments in Colorado must be licensed in accordance with the Colorado Food Protection Act, part 16, article 4, title 25, C.R.S.

2.6 Incorporation by Reference

- A. Throughout these regulations, standards and requirements of outside organizations have been adopted and incorporated by reference. The material incorporated by reference cited herein includes only those versions that were in effect on November 15, 2017, and no later amendments to the incorporated materials. These regulations incorporate by reference:
 - 1. *Food Code, 2013 Recommendations of the United States Public Health Service/Food and Drug Administration* as published by the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration (*the Code*); and
 - 2. *Supplement to the 2013 Food Code (2015)*, U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, (*the Supplement*).

- B. Any provision included or incorporated herein by reference which conflicts with the Colorado Revised Statutes, including but not limited to Section 25-4-1601, et seq., C.R.S. and Section 25-1.5-102, C.R.S., shall be null and void.

To align with Section 25-4-1601, et seq., C.R.S., these regulations do not incorporate by reference:

1. *Subpart 8-203.10 (Preoperational Inspections) of the Code;*
2. *Section 8-3 (Permit to Operate) of the Code;*
3. *Subpart 8-401.10 (Establishing Inspection Interval) of the Code; and*
4. *Subpart 8-401.20 (Performance- and Risk-Based) of the Code.*

- C. The Division of Environmental Health and Sustainability shall maintain certified copies of the complete text of the incorporated materials, which shall be available for public inspection during regular business hours, and shall provide certified copies of the materials at cost upon request. For information regarding how the incorporated materials may be obtained or examined, contact:

Division Director
Division of Environmental Health and Sustainability
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

- D. The incorporated materials are available at:

www.colorado.gov/pacific/cdphe/food-regulations/food-code

2.7 Temporary Retail Food Establishments

- A. General

A temporary retail food establishment shall comply with all requirements of these rules and regulations except as approved by the Regulatory Authority. A temporary retail food establishment application, which shall include a list of food items to be sold, shall be submitted to the Regulatory Authority for each event. The application shall be submitted at least ten working days prior to the event.

- B. Operations

1. Approvals will be based upon the nature and extent of the proposed menu, equipment capacities, setup and the ability to handle and prepare food in a safe manner and protect against public health hazards.
2. Temporary retail food establishment operators shall maintain records detailing the source of all foods being held, stored, offered for sale, sold and distributed. These records shall be made available to the Regulatory Authority when requested.
3. Grease from grease-producing equipment and any wastewater shall not be discharged onto the ground or into any storm drainage system.
4. All food shall be maintained at required temperatures during all aspects of the operation including transportation.

5. A handwashing station, as required by the Regulatory Authority, shall be provided within the temporary retail food establishment that meets the operational needs of the establishment.
- C. Commissary
1. The Regulatory Authority's decision whether to require auxiliary support services such as a commissary or servicing area will be based on the menu, type of operation, duration of event and availability of on-board equipment and support services at the event.
 2. The location of the commissary or servicing area shall be adequate to support operations and the safe handling of food.

Editor's Notes

History

Entire rule eff. 03/01/2013.

Entire rule eff. 01/01/2019.