



## TIPS FOR ENTREPRENEURS

# Regulations for Selling Prepared Foods

If you have or are thinking of starting a business selling prepared foods, you need to consider how Idaho regulates the prepared food industry, lists the types of food establishments that are subject to the Idaho Food Code, and explains the licensing process.

## How Is the Prepared Food Industry Regulated in Idaho?

- The Idaho Department of Health and Welfare (IDHW) is the regulatory authority for businesses selling prepared foods (food that is ready for consumption).
- IDHW prepares rules, standards, and policies and provides requirements for licensing, inspections, business plan reviews, employee restrictions, and license suspensions for food establishments.

## What Types of Food Establishments Are Subject to the Idaho Food Code?

### RESTAURANTS AND RELATED BUSINESSES

- Cafeterias
- Catering facilities
- Commissaries
- Kiosks
- Restaurants
- Taverns
- Temporary food facilities
- Vending facilities
- Mobile food facilities, including:
  - » Bikes
  - » Other moveable food service with or without wheels
  - » Pushcarts
  - » Trucks, vans, or trailers
  - » Watercraft

### RETAIL-RELATED BUSINESSES

- Bakeries
- Convenience stores
- Delicatessens
- Health food stores
- Meat and/or fish markets
- Neighborhood markets
- Retail markets
- Supermarkets

### FOOD-PROCESSING BUSINESSES

Food-, water-, and beverage-processing and bottling facilities, including:

- Businesses that are not inspected for food safety by a federal agency
- Businesses that manufacture, process, and distribute food, water, and beverages within Idaho

**These lists are not exhaustive, but they give an idea of the types of businesses that must follow Idaho regulations for food establishments serving prepared foods.**

### BUSINESSES THAT ARE NOT SUBJECT TO THE IDAHO FOOD CODE FOR PREPARED FOODS INCLUDE

- Agricultural markets, including farmers' markets and roadside stands that offer only cottage foods or foods that do not need time and temperature control for safety (TCS)
- Daycare facilities
- Low-risk food establishments offering only non-TCS foods

**PLEASE NOTE: This handout does not offer or substitute for legal advice. For more information: [CALS-RuralStudies@uidaho.edu](mailto:CALS-RuralStudies@uidaho.edu)**

## License Requirements

A person or business must have a valid license from IDHW to operate a food establishment. To do this, **a business owner must**

- Submit an application to IDHW.
- Pay the applicable license fees at the time the application is submitted.
- Comply with the Idaho State Code related to prepared foods.
- Allow regulators to access their nonexempt food establishment to provide required information for application and inspection processes.

## License Forms and Due Dates

**Application forms** can be accessed at <https://www.cdhd.idaho.gov/eh-food-forms.php>.

The application and license fee for **new licenses** must be submitted at least 30 calendar days before the planned opening date.

The renewal application and license fee required to **renew a license** must be submitted by December 1 each year since all licenses expire on December 31.

## License Application Contents

The application will ask for the following information:

### Name and contact information

- The business by ownership type (i.e., association, corporation, individual, partnership, other legal entity). Depending on the type of ownership, the application may also ask for names and contact information for
  - » the legal owners and officers of the business
  - » the local resident agent, if one is required
- The person applying
- The person responsible for the food establishment
- The immediate supervisor, regional manager, etc., of the person applying, if applicable

### Food-establishment characteristics

- Type (i.e., mobile, stationary, temporary, permanent)
- Items related to food preparation and safety (e.g., food equipment and utensils)
- Clientele

**Signed statement** attesting to the accuracy of the information provided and an affirmation that the applicant will comply with the Idaho Food Code and allow regulatory access to the establishment.

*Title 39, Chapter 16 of the Idaho Statutes provides more detail: <https://legislature.idaho.gov/statutesrules/idstat/Title39/T39CH16/>. To read the Idaho Food Code in its entirety, see <https://cdhd.idaho.gov/pdfs/food/Full-Idaho-Food-Code-2016.pdf>. Also, you can read *Idaho: Starting a Specialty Food Business (2018)* at [https://agri.idaho.gov/main/wp-content/uploads/2018/06/2018\\_Specialty\\_Foods\\_Manual\\_WEB.pdf](https://agri.idaho.gov/main/wp-content/uploads/2018/06/2018_Specialty_Foods_Manual_WEB.pdf).*

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