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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
AND RURAL DEVELOPMENT

JAMIE CLOVER ADAMS
DIRECTOR

DATE: June 9, 2017

TO: All Local Health Departments
Attn: Medical Director / Health Officer / Director of Environmental Health
Michigan Department of Agriculture and Rural Development (MDARD)
Attn: Food and Dairy Division Managers

FROM: Kevin Besey, Director
Food and Dairy Division

SUBJECT: **Food Service Establishment, Remote Site Service, MFL §4105 (3)**

Michigan Food Law Excerpt:
289.4105 Person, establishment, or organization exempt from licensure.
§4105. (1) Except as otherwise provided for in subsection (2), a person, establishment, or organization that is 1 or more of the following is exempt from the licensure requirements under this act:

(3) If food is prepared in a food service establishment licensed under this chapter and the food is transported from the food service establishment to a fixed temporary serving location, the serving location is not required to be separately licensed and is considered an extension of the food service establishment if no food preparation is conducted at the serving location and the food is transported and served by employees of the food service establishment.

Guidance:
The following guidance should be used for the purpose of determining whether the food law exemption applies to a licensed food establishment serving food to the public at a remote site. This guidance is not intended to address determining whether an event is public or private. This guidance is not intended to be used for other licensing or food program decision purposes, since it is based upon having a licensed base establishment and routine evaluation oversight. The extent of the remote site service is based on the firm's current operations and/or facility capabilities. Inspectors should include discussions regarding the type, extent, and operational details of off-site operations during routine evaluations and plan reviews to assure that oral and/or written standard operation procedures are in place. Evaluations of off-site operations may be made at the agency's discretion, since the off-site operation is an extension of the base establishment license.

When in a setting where some establishments are obtaining a temporary license and some are operating from their base license, education of temporary operators regarding the §4105 allowance may be advisable. We should be able to clearly articulate that the establishment is already licensed, has undergone plan review, has a certified manager, and their off-site operations are reviewed as part of their normal licensing and evaluation process.

A retail food establishment or food processor that is licensed by MDARD shall also qualify for this exemption.

To qualify for the serving site license exemption, the base establishment must be licensed and the serving site must be fixed, temporary, have no on-site preparation, and have food served by the food establishment employees.

The following examples are not intended to be a complete list, but are intended to guide decision making regarding the need for licensure.

Temporary license required:
Thawing raw food
Washing
Mixing / forming food ingredients
Cooking
Reheating
Mixing drinks at a bar (full bar operation with condiments, blending drinks, etc.)
Cutting raw produce
Complex assembly of food items (i.e. making a sub sandwich to order, assembling tacos)
Slicing items that can be most appropriately done at the licensed establishment
Most cutting operations, including slicing, prior to assembly, display or service

No additional licensing required*:
Transporting food
Thawing ready-to-eat food (i.e. frozen desserts, shrimp ring)
Hot holding
Cold holding
Pre-mix beverage machines, kegs of beer, etc.
Icing and/or pouring beverages into glasses (i.e. beer, bulk pre-mixed drinks, wine, juice, water, cider, milk, coffee, tea, pop)
Making popcorn or cotton candy
Making coffee and tea
Operating a postmix carbonated beverage or potentially hazardous product dispensing machine (i.e. soft-serve ice cream)
Simple cutting, slicing, or handling of product for service only. Examples include:
- Carving slices of cooked meat
- Cutting pizza slices, cake, lasagna
- Placing a cooked item in a bun
- Buffet line service (employee serve or self-serve)
- Scooping hand-dipped hard ice cream

*Duration and scope of the event is important in determining what activities can be safely carried out off-site. For example, an establishment may be able to hand scoop hard ice cream using a set of clean scoops for a four hour event, but not for a multi-day event.

To safely accomplish minimal on-site handling, adequate handwashing, utensils, equipment, wiping cloths, and procedures must be provided to safely transport and serve food for the duration of the event. The exemption does not allow for warewashing, running water dipper wells, and related supportive activities at the serving site.

Distribution List:

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