

410 IAC 7-26-75 "Mobile retail food establishment" defined

Authority: IC 16-42-5-5

Affected: IC 16-42-5.1-2

Sec. 75. "Mobile retail food establishment" has the meaning set forth in IC 16-42-28-2.

Sec 480. (a) Except as stated in section 477(c) of this rule, the owner or other authorized agent of an existing or proposed retail food establishment shall submit to the regulatory authority plans and specifications for review before any of the following:

- (1) The construction of a retail food establishment.
- (2) The conversion of an existing structure for use as a retail food establishment.
- (3) The remodeling of a retail food establishment or a change of type of retail food establishment or food operation if the regulatory authority determines that plans and specifications are necessary to ensure compliance with this rule.
- (4) The addition or remodeling of an outdoor food operation.
- (5) A change in ownership of the mobile retail food establishment.

(b) The owner or authorized agent of a retail food establishment may use the 2016 or later version of the Food Establishment Plan Review Guide, as published by FDA and the Conference for Food Protection, as a source for determining recommended equipment specifications and operational standards for retail food establishments and temporary food establishments.

(c) The plans and specifications shall be approved by the regulatory authority before the construction and operation of the retail food establishment. (Pf)

(d) For purposes of this section, a violation of subsection (a) or (c) is a Pf item.

Sec 488. (a)

- (1) To obtain a mobile retail food establishment license, an owner or operator must complete a license application using a state issued form and must
 - (A) submit that application to a local health department;
 - (B) complete a plan review as required under section 480 of this document;
 - (C) remit payment to a local health department with their application in the amount set by IC 16-42-28.

(2) A mobile retail food establishment shall renew their mobile retail food establishment license annually with the local health department that issued their original mobile retail food establishment license.

(b) A mobile retail food establishment shall comply with the applicable requirements of this rule, in addition to the requirements set forth below:

- (1) A mobile retail food establishment shall post their license conspicuously to the right of the customer point of service at all times, whether in operation or during storage.
- (2) A mobile retail food establishment shall post their most recent inspection report conspicuously for consumer review.
- (3) A mobile retail food establishment shall maintain all inspection reports for one (1) calendar year from the date of inspection on-site and shall be made available to the regulatory authority upon request.
- (4) A mobile retail food establishment shall notify each regulatory authority of their intent to operate utilizing a state issued Notice of Intent form five (5) business days before beginning operation.
- (5) Unless approved in writing by the regulatory authority for another servicing interval, a mobile retail food establishment shall physically return to a servicing area or commissary at least once daily for any support activities.
- (6) All servicing area and current commissary agreement documents shall be maintained on a mobile retail food establishment and made available upon request to the regulatory authority.
- (7) A mobile retail food establishment shall not operate greater than sixty (60) miles away from their commissary, unless a mobile retail food establishment has written approval from the regulatory authority in the jurisdiction of operation.
- (8) The person-in-charge of a mobile retail food establishment shall notify the regulatory authority when there is a commissary location change at least thirty (30) days prior to the change as outlined in section 477 of this rule.
- (9) A mobile retail food establishment must be inspected by the local health department that issued their mobile retail food establishment license a minimum of twice (2) annually for inspection.
- (10) A mobile retail food establishment shall provide convenient access to a restroom that is no more than two hundred (200) feet from the establishment for employee use throughout the entirety of operational status.
- (11) A mobile retail food establishment operator shall complete a restroom authorization agreement with each retail food establishment that employees are able to utilize during all hours of mobile retail food establishment operation.
- (12) A mobile retail food establishment serving packaged, manufactured TCS and non-TCS foods, need not comply with this rule pertaining to the following:
 - (A) The necessity of water and sewage systems.

- (B) Operations dependent on a servicing area.
- (13) A mobile retail food establishment shall provide only single-service articles for use by the consumer.
 - (14) A mobile retail food establishment shall provide a trash receptacle outside of the unit for customer use with a tightly fitted lid as outlined under section 392 of this document during operational status.
 - (15) A mobile retail food establishment requiring a water system shall have a potable water system under pressure. The system must be of sufficient capacity to furnish enough hot and cold water for food preparation, utensil cleaning and sanitizing, and handwashing, as specified in this rule.
 - (16) If liquid waste results from the operation of a mobile retail food establishment, a mobile retail food establishment shall store the waste in a permanently installed retention tank that is of at least fifteen percent (15%) larger capacity than the water supply tank.
 - (17) A mobile retail food establishment may not discharge liquid waste from their retention tank when the mobile retail food establishment is in motion.
 - (18) A mobile retail food establishment shall notify the local health department that issued their mobile retail food establishment license regarding any menu or structural changes to their mobile retail food establishment outlined under sections 477 and 480 of this document.
 - (19) A mobile retail food establishment shall comply with all local zoning requirements and ordinances that are not superseded this rule.

(c) A local health department shall comply with applicable requirements of this rule including the section as written below:

- (1) The local health department shall ensure all operational requirements are met prior to issuing a mobile retail food establishment license.
 - (2) The local health department shall utilize state-issued forms associated with Mobile Retail Food Establishment operation.
 - (3) The local health department shall review plan review submissions for each Mobile Retail Food Establishment.
 - (4) The local health department shall remit all mobile retail food establishment payments via check paid to the Indiana Department of Health- Food Protection Division.
- (d) For purposes of this section, a violation of subsection (a)(17) is a P item.
- (e) For purposes of this section, a violation of subsection (a)(1), (a)(4), (a)(5), or a(7), (a)(10), (a)(15), or (a)(18) is a PF item.
- (f) For purposes of this section, a violation of subsection (a)(2), (a)(3), or (a)(6), (a)(8), (a)(11), (a)(13), (a)(14), or (a)(16) is a CORE item. (*Indiana Department of Health;*