

Prerequisite for Operation and Submission of Plans

IAC 410-7-24, Section 110, requires that plans be submitted to the regulatory authority. The regulatory authority is either the county health department or the Indiana State Department of Health. The submission of plans are also required by other state entities, such as Fire and Building Services; your architect or engineer should have that information.

To ensure that your plans are complete please fill out the Plan Review Questionnaire form available on our website under "[Forms \(/isdh/21063.htm#forms\)](https://isdh/21063.htm#forms)." The Questionnaire can be used as a checklist to ensure a complete and accurate Application for Plan Review.

The Application for Plan Review can be found on our website under "[Forms \(/isdh/21063.htm#forms\)](https://isdh/21063.htm#forms)." The plans should include:

- The intended menu to be served
- The anticipated volume of the food to be stored, prepared, and sold or served
- The proposed layout, mechanical schematics, construction materials and finish schedule
- The proposed equipment types, manufacturers, model numbers, locations, dimensions, performance capacities, and installation specifications.
- Other information as required by the regulatory authority for the review of the proposed construction, conversion or modifications and procedures for operating a retail food establishment.

IAC 410-7-24, Section 107 states that the retail food establishment shall notify the regulatory authority with intent to operate at least thirty (30) days prior to registering under the rule.

A Short Check List

As added by P.L.2-1993, SEC.25.

IC 16-42-1-3

Adoption of regulations; notice and hearing

Sec. 3. Except to the extent that the state department adopts the applicable regulations promulgated by the federal security administrator under the Federal Act (21 U.S.C. 301 et seq.), the state department, before adopting a rule contemplated by section 6 or 9 of this chapter, IC 16-42-2-1, IC 16-42-2-3(11), IC 16-42-3-4(4), IC 16-42-3-4(6), IC 16-42-3-4(7), or IC 16-42-3-4(8) shall give appropriate notice of the proposal and of the time and place for a public hearing to be held as provided by law.

As added by P.L.2-1993, SEC.25.

IC 16-42-1-4

Construction of act and rules

Sec. 4. IC 16-42-1 through IC 16-42-4 and rules adopted under those provisions shall, insofar as applicable, be interpreted and construed to effectuate the general purpose to enact state legislation uniform with the Federal Act (21 U.S.C. 301 et seq.).

As added by P.L.2-1993, SEC.25.

IC 16-42-1-5

Federal agency references; successor agency

Sec. 5. Whenever this chapter refers to a department or an agency of the federal government, the term includes a department or an agency of the federal government to which the duties, powers, or functions are transferred or given.

As added by P.L.2-1993, SEC.25.

IC 16-42-1-6

Registration of manufacturer, processor, repackager, or wholesale distributor; maintaining place of business in state

Sec. 6. (a) A manufacturer, processor, repackager, or wholesale distributor of food, drugs, or cosmetics who maintains a place of business in Indiana shall file with the state department, upon forms to be furnished by the state department, a written statement of the name and address of the owner, the character of the business, and the business address of each place of business in Indiana.

(b) A new place of business for the manufacture, processing, repacking, or wholesale distribution of food, drugs, or cosmetics may not be established in Indiana until the place of business has been registered as provided in this chapter.

(c) If ownership of a registered place of business changes, the new owner shall reregister the place of business before operating the same.

As added by P.L.2-1993, SEC.25.

IC 16-42-1-7

410 IAC 7-24-109 Ceasing operations, reporting, and resumption of operations

Sec. 109. (a) Except as specified in subsection (b), the owner or operator of the retail food establishment shall immediately discontinue operations and notify the regulatory authority if an imminent health hazard may exist because of an emergency, such as the following:

- (1) Fire.
- (2) Flood.
- (3) An extended interruption of electrical or water service.
- (4) A sewage backup.
- (5) A misuse of poisonous or toxic materials.
- (6) An onset of an apparent foodborne illness outbreak.
- (7) A gross insanitary occurrence or condition.
- (8) Other circumstance that may endanger public health.

(b) The owner or operator of a retail food establishment need not discontinue operations in an area of an establishment that is unaffected by the imminent health hazard.

(c) If operations are discontinued as specified under this section or otherwise according to law, the retail food establishment shall obtain approval from the regulatory authority before resuming operations.

(d) For purposes of this section, a violation of subsection (a) is a critical item.

(e) For purposes of this section, a violation of subsection (b) or (c) is a noncritical item.

410 IAC 7-24-110 Requirement for facility and operating plans

Sec. 110. (a) The owner or other authorized agent of an existing or proposed retail food establishment shall submit to the regulatory authority properly prepared 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.

The retail food establishment owner or operator should use the 2000 Food Establishment Plan Review Guide and the temporary retail food establishment owner or operator should use the 2000 Pre-Operational Guide for Temporary Retail Food Establishment Plan Review Guide, both as published by the U.S. Food and Drug Administration and the Conference for Food Protection, as a source for determining recommended equipment specifications and operational standards for retail food establishments/temporary retail food establishments.

(b) The plans and specifications shall be approved by the regulatory authority prior to construction and the operation of the retail food establishment.

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

410 IAC 7-24-111 Contents and specifications for facility and operating plans

Sec. 111. (a) The plans and specifications for a retail food establishment shall include, as required by the regulatory authority based on the type of operation, type of food preparation, and foods prepared, the following information to demonstrate compliance with this rule:

- (1) Intended menu.
- (2) Anticipated volume of food to be stored, prepared, and sold or served.
- (3) Proposed layout, mechanical schematics, construction materials, and finish schedules.
- (4) Proposed equipment types, manufacturers, model numbers, locations, dimensions, performance capacities, and installation specifications.
- (5) Evidence that standard procedures that ensure compliance with this rule are developed or are being developed.

(6) Other information that may be required by the regulatory authority for the proper review of the proposed construction, conversion, or modification, and procedures for operating a retail food establishment.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item.