



TOWN OF EAST LONGMEADOW
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EAST LONGMEADOW, MA 01028

Board of Health

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In October, the State Food Protection Program adopted the 2013 Federal Food Code. There was an adjustment to the 2013 Code, which stated retail only establishments no longer need a food permit. It was an oversight on their part that we can adjust on a local level by a small amendment to our code.

The line to remove in is highlighted in **yellow** below. The reason for this is while the risk with these establishments are lower than traditional establishments it is still present. It also has an effect on our ability to permit temporary events, where retail items are sold. Eliminating our ability to ensure proper food storage and those items are coming from an approved source.

2013

Food Establishment.

(1) *"Food establishment" means an operation that:*

(a) *stores, prepares, packages, serves, vends food directly to the consumer, or otherwise provides FOOD for human consumption such as a restaurant; satellite or catered feeding location; catering operation if the operation provides FOOD directly to a CONSUMER or to a conveyance used to transport people; market; vending location; conveyance used to transport people; institution; or FOOD bank; and*

(b) *relinquishes possession of FOOD to a CONSUMER directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.*

(2) *"Food establishment" includes:*

(a) *An element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the REGULATORY AUTHORITY; and*

(b) *An operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off the PREMISES; and regardless of whether there is a charge for the FOOD.*

(3) *"Food establishment" does not include:*

(a) *An establishment that offers only prePACKAGED FOODS that are not TIME/TEMPERATURE CONTROL FOR SAFETY FOODS;*

(b) *A produce stand that only offers whole, uncut fresh fruits and vegetables;*

(c) *A FOOD PROCESSING PLANT; including those that are located on the PREMISES of a FOOD ESTABLISHMENT*

(d) *A kitchen in a private home if only FOOD that is not TIME/TEMPERATURE CONTROL FOR SAFETY FOOD, is prepared for sale or service at a function such as a religious or charitable organization's bake sale if allowed by LAW and if the CONSUMER is informed by a clearly visible placard at the sales or service location that the FOOD is prepared in a kitchen that is not subject to regulation and inspection by the REGULATORY AUTHORITY; 9*

(e) *An area where FOOD that is prepared as specified in Subparagraph (3)(d) of this definition is*

sold or offered for human consumption;

(f) A kitchen in a private home, such as a small family day-care provider; or a bed-and-breakfast operation that prepares and offers FOOD to guests if the home is owner occupied, the number of available guest bedrooms does not exceed 6, breakfast is the only meal offered, the number of guests served does not exceed 18, and the CONSUMER is informed by statements contained in published advertisements, mailed brochures, and placards posted at the registration area that the FOOD is prepared in a kitchen that is not regulated and inspected by the REGULATORY AUTHORITY; or

(g) A private home that receives catered or home-delivered FOOD.