

Guidance Document for School Concessions

Purpose

Most public and private schools in Minnesota have one or several food concession stands/stores at locations on the school grounds. These stands/stores provide food and or beverages to spectators at sporting events, social events or various other school functions. Often these stands are operated by various groups that have some relationship with the school such as parents groups, booster clubs, student groups, etc. Since foods are being offered to the general public, some form of licensing, inspection and compliance with the MN Food Code is required. This document will provide guidance to options that may be explored to address licensing and compliance.

Background

There are various ways that concession stands/stores could be licensed and compliant with the MN Food Code. Compliance is attained dependent upon the specific circumstances that exist at each school and on the local or state regulatory authority for that school who will determine what options are acceptable. Possible licensing options include:

- 1) Licensing the stand as an additional food service to the school's main kitchen. This would make the school responsible for assuring that compliance is met and would give the school more direct control over activities at the stands. Inspection reports would be review and handled directly with the school. An additional fee would be charged to the school annually. The standards for compliance would vary depending on the menu and operation information.
- 2) Each group operating would have a separate license. The booster group or club, etc. would apply for and maintain licensure as required. Compliance would be the responsibility of each individual stand license holder. The type of license required and the standards for compliance would vary depending on menu and operational information. The proposed menu may even require a Certified Food Manager to oversee operations, and train others to be the person in charge throughout hours of operation.

Applicable Laws & Licensing

In the past, any type of food service on school grounds was required to have a food license. This includes the cafeteria kitchen, and indoor and outdoor concession areas. A food service is an area where any food or beverage is prepared or served. In 2011 the Legislature provided an exemption from licensing if the following conditions are met:

School concession stands are exempt from future licensing and inspection if they serve only commercially prepared, not potentially hazardous foods, as defined in Minnesota Rules 4626. (Examples of food that may be served without license: commercially canned soda, bagged chips, wrapped candy. Examples of food, if served, that require the concession stand to be licensed: hotdogs, hamburgers, and scooped ice cream).

Licensing Categories

Additional food service—a location at a food service establishment, other than the primary food preparation and service area, used to prepare or serve food to the public.

Special event food stand—a food and beverage service establishment which is used in conjunction with celebrations and special events, and which operates no more than three times annually for no more than ten total days.

Mobile food unit—a food and beverage that is a vehicle mounted unit, either motorized or trailered, operating no more than 21 days annually at any one place or is operated in conjunction with a permanent business licensed under this chapter or chapter 28A at the site of the permanent business by the same individual company, and readily moveable, without disassembling, for transport to another location.

Seasonal permanent food stand—a food and beverage service establishment which is a permanent food service stand or building, but which operates no more than 21 days annually. **Stands operated in conjunction with school sponsored events on school property are exempt from the 21 day restriction.**

Limited food menu—a fee category that provides one or more of the following:

- 1) Prepackaged food that receives heat treatment and is served in the package;
- 2) Frozen pizza that is heated and served;
- 3) A continental breakfast such as rolls, coffee, juice, milk, and cold cereal;
- 4) Soft drinks, coffee, or nonalcoholic beverages; or
- 5) Cleaning for eating, drinking, or cooking utensils, when the only food served is prepared off site.

Small establishment—a fee category that has no salad bar and meets one or more of the following:

- 1) Possesses food service equipment that consists of no more than a deep fat fryer, a grill, two hot holding containers, and one or more microwave ovens;
- 2) Serves dipped ice cream or soft serve frozen desserts;
- 3) Serves breakfast in an owner-occupied bed and breakfast establishment;
- 4) Is a boarding establishment; or
- 5) Meets the equipment criteria in clause (3), item (1) or (2), and has a maximum patron seating capacity of not more than 50.

Inspections

Elementary and secondary school food service establishments must be inspected according to the assigned risk category or by the frequency required in the Richard B. Russell National School Lunch Act, whichever frequency is more restrictive. Additional food service areas and/or concession stands may be inspected during the school's normal inspection, if possible. If the establishment is not open or operating at the time of the scheduled visit, inspectors may need to revisit the stand during hours of operation, which may be evening or weekends.

If the existing facility is not up to standards this will be noted during inspections. Submittal of plans and specifications for changes or a suggested menu revision may be required to bring the existing stand into compliance facility. All new construction or remodels will be required to go through a plan review process before changes are made. A Construction Guideline can be found at www.co.nicollet.mn.us

This document is intended to provide guidance for existing concession stands. Any new food service facilities will require compliance with the Minnesota Food Code. A plan review and approval is needed before construction can begin.