

# STATE OF COLORADO

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*Dedicated to protecting and improving the health and environment of the people of Colorado*

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Colorado Department  
of Public Health  
and Environment

## RETAIL FOOD ESTABLISHMENT INTERPRETATION #02-1

**DATE:** March 22, 2002

**SUBJECT:** Espresso Coffee Kiosks

There are an increasing number of espresso coffee kiosk operators who are applying for retail food establishment licenses. These kiosks are exempt from retail food establishment licensure provided they meet the definition under section 25-4-1602(14)(h), C.R.S., (1998). This section exempts “establishments preparing and serving only hot coffee, hot tea, instant hot beverages, and non-potentially hazardous doughnuts or pastries obtained from sources complying with all laws related to food and food labeling.”

A retail food establishment license is required for espresso coffee kiosks that sell iced beverages or potentially hazardous foods. In order to obtain a license, these kiosks must comply with the Colorado Retail Food Establishment Rules and Regulations. Although these kiosks may not have a permanent water supply or sewage disposal system, they do not meet the definition of a mobile unit because of their fixed location. It is advisable to contact the local building department or water/sanitation district to see if these structures are prohibited under any of their jurisdictional requirements.

Before issuing a retail food establishment license, espresso coffee kiosks must be evaluated on a case-by-case basis to determine if the establishment meets the sanitation requirements of the rules and regulations. Please refer to Retail Food Establishment Interpretation #01-04 to calculate the total water usage requirement for each kiosk. It is essential that espresso coffee kiosks comply with these total water usage requirements. It is also critical that their water be obtained from an approved public water supply system, and that the water is transported and stored in approved water containers. Water from a private water supply or an individual residence shall not be permitted. Several other issues of concern are as follows:

- All equipment shall be of commercial design that is certified or classified for sanitation by an American National Standards Institute (ANSI) accredited certification program or a design approved by this Division.
- The espresso coffee maker shall comply with the 1997 Uniform Plumbing Code, including provisions for backflow protection. Water protection would be a continuous pressure type, dual check valve; e.g., Watts N9 or the equivalent.

- Potable water containers shall be filled from an approved location. When water containers are filled with a hose, only an approved potable water hose shall be used. This hose shall not be used for any purpose other than filling potable water containers.
- Water supply tanks shall be sized according to the calculations in Retail Food Establishment Interpretation #01-04, or the kiosk operator shall have an approved plan for refilling the tanks at sufficient intervals.
- Wastewater retention tanks shall be at least 15 percent larger than the water supply tanks. All wastewater shall be discharged to the sanitary sewer or a sewage disposal system constructed, maintained and operated according to law.

In order to meet the requirement for a toilet facility, a written agreement with an adjacent business allowing the use of their restroom is acceptable, provided that the restroom is conveniently located and available at all times the kiosk is in operation.

These guidelines are intended to provide uniformity of interpretation so that the rules and regulations are applied equitably to espresso coffee kiosks throughout the state of Colorado.



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Barbara A. Hruska, Director  
Consumer Protection Division