

# 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

PROGRAM:	RETAIL FOOD
EFFECTIVE REGULATION:	<i>Colorado Retail Food Establishment Rules and Regulations, July 1, 2013</i>
<b>INTERPRETIVE MEMO NO.:</b>	<b>14-04</b>
DATE:	January 1, 2014
SUBJECT:	Retail Food Licensing Requirements

This department routinely receives questions on when to require a retail food license for various food preparation operations. The *Colorado Retail Food Establishment Rules and Regulations* defines a Retail Food Establishment as:

“A retail operation that stores, prepares, or packages food for human consumption or serves or otherwise provides food for human consumption to consumers directly or indirectly through a delivery service, whether such food is consumed on or off the premises or whether there is a charge for such food.”

Occasionally, questions arise surrounding licensing requirements when an individual is manufacturing or preparing *non-potentially hazardous foods* for retail sale, then providing the food at other retail locations, such as at a booth during a special event. The fixed location in which the food is being prepared is subject to licensing as a retail food establishment. The off-site location where product is being sold direct to customers would not require a separate license if the food provided is prepackaged and non-potentially hazardous. However, if the food items sold off-site are unpackaged and/or potentially hazardous, a retail food license is required.

A similar question often comes up regarding facilities that manufacture food under an approved wholesale food registration which are also selling their product(s) at retail, either at an attached retail outlet or some other location such as a booth during a special event. If the product sold at retail is a potentially hazardous food and/or unpackaged non-potentially hazardous food, the establishment is required to obtain a retail food establishment license for each location where the product is sold (in addition to registering with the department as a wholesale food manufacturer). However, if the manufactured food items sold at retail are prepackaged and non-potentially hazardous, a retail food license would not be required.

Additionally, when the retail outlet is at the same location as the wholesale manufacturing facility, a distinction needs to be made to determine which areas of the facility should be inspected during the retail food inspection. Portions of the establishment used for only manufacturing are not regulated as a retail establishment and should not be included in the retail food inspection.

All previous interpretive memoranda issued pertaining to this subject are hereby superseded as of the effective date above.



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Jeff Lawrence, Director  
Division of Environmental Health and Sustainability