

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>
INTERPRETIVE MEMO NO.:	14-15
DATE:	January 10, 2014
SUBJECT:	Retail Food Licensing for School Lunch Programs

All public, charter, private or parochial schools (kindergarten through grade 12) in Colorado that serve food to students are "Retail Food Establishments" as defined by §25-4-1602(14), C.R.S. Schools, as stated in section §25-4-1607(9)(a)(I) C.R.S., are issued certificates of license (a "no fee license") and must be operated in conformance with the *Colorado Retail Food Establishment Rules and Regulations, July 1, 2013*. Any license issued to a school is a no fee license. While a school may choose to contract out the provisions of food for the student population, the school retains responsibility for all compliance and liability-related activities/events associated with the facility. Licensure for the food service program allows schools to maintain their USDA National School Lunch Program benefits.

As a retail food establishment, schools must provide food from an "approved source" as listed in Section 3-101 of the *Colorado Retail Food Establishment Rules and Regulations*. The section reads, in part:

***3-101 General**

"... Food shall be obtained from approved sources that comply with the applicable laws relating to food and food labeling. Food prepared in a private home shall not be used or offered for sale."

Food provided to schools from outside companies (prepared either on-site or off-site) is considered to be from an approved source if the food vendor is appropriately licensed as a retail food establishment or registered food manufacturer.

All previous interpretive memoranda issued pertaining to this subject are hereby superseded as of the effective date above.

Jeff Lawrence, Director
Division of Environmental Health and Sustainability

25-4-1601 C.R.S. provides CDPHE's authority for the uniform statewide administration, implementation, interpretation, and enforcement of *The Colorado Retail Food Establishment Rules and Regulations*. This interpretive memo is issued in accordance with this authority and CDPHE expects its contents to be implemented in accordance with the statutory requirement.