

# Chapter 2.

## Food & Beverage Service Establishments

This section will cover the regulations of food service establishments by defining and describing the major regulatory requirements, giving you helpful information on obtaining the proper licenses and discussing inspection processes for the different types of food service businesses, including:

**Food & Beverage Services** (restaurants, deli's, cafes, catering services, alcoholic beverage services)

**Temporary Food Operations** (food stands and mobile food units)

**Bed and Breakfasts**

Food and beverage service establishments are regulated primarily by the Minnesota Department of Health (MDH). Referring to the "Preliminary Considerations" and "Related Issues" sections of this booklet will help answer common questions about starting a food and beverage service establishment in Minnesota.

### I. Food & Beverage Service Establishments

**Definition** | *Source: MN Stat. Ch. 157; Laws of MN, 1995 s 28A; and Laws of MN, 1995 s 245A*

A food and beverage service establishment is defined by statute as a building, structure, enclosure, or any part of a building structure or enclosure used as, maintained as, advertised as, or held out to be an operation that prepares, serves or otherwise provides food or beverages, or both, for human consumption.

One of the most popular types of food and beverage service establishments is a restaurant. A restaurant is defined by statute as a food and beverage service establishment, whether or not the establishment serves alcoholic beverages or nonalcoholic beverages and operates from a location for more than 14 days annually. In addition, delis, and boarding establishments are also classified as food and beverage establishments. All types of food and beverage service establishments must be properly licensed in order to serve food and beverages to the public. If resorts, hotels/motels, and campgrounds serve food and beverages, they are required to be licensed for food and beverage service.

#### Several statutory exceptions to food and beverage licensing requirements include:

1. Interstate carriers under the supervision of the US Department of Health and Human Services.
2. Any building constructed and primarily used for religious worship.
3. Any building owned, operated, and used by a college or university in accordance with health regulations promulgated by the college or university under chapter 14.
4. Any person, firm, or corporation whose principal mode of business is licensed under sections 28A.04 and 28A.05, is exempt at that premises from licensure as a food or beverage establishment; provided that the holding of any license pursuant to sections 28A.04 and 28A.05 shall not exempt any person, firm or corporation from the applicable provisions of this chapter or the rules of the state commissioner of health relating to food and beverage service establishments.
5. Family daycare homes and group family daycare homes governed in sections 245A.
6. Nonprofit senior citizen centers for the sale of home-baked goods.
7. Food not prepared at an establishment and brought in by members of an organization for consumption by members at a potluck event.