

Regulatory Requirements for Food Businesses

If you are thinking about opening a food business, there are many regulatory requirements to meet. Some regulations are similar across the United States, but it is common that each State has their own regulations.. The following is a brief guide of information on how to start a food business according Kansas State regulations.

1. Identify what type of business you want to start

Be aware that each type of business has different requirements. Kansas State categorizes food business into 5 different types:

a. Food Establishment

Any operation that offers food directly to the end consumer is considered a Food Establishment. Common examples are grocery stores, convenience stores, restaurants, school food service operations, bakeries, mobile food operations, bars, and delicatessens. It includes any place where food is served or prepared for sale or service on the premises or elsewhere. Any other eating or drinking establishment or operation where food is served or provided for the public with or without charge falls under the Food Establishment umbrella. If there are multiple individual businesses with different owners within your facility, each requires an individual license.

b. Food Vending Machines

In Kansas, food vending machines are defined as any self-service device, which, upon payment, dispenses unit serving of food, either in bulk or in packages. Such device shall not necessitate replenishing between each vending operation. Food vending machine companies are defined as “any person in the business of operating and servicing food vending machines.” Moreover, any vending machine that only dispense canned or bottled soft drinks or prepackaged food that does not require control for safety is not subject to these requirements. You might also be exempt from the licensing if these three requirements below are met:

1. The facility that services the machine is licensed as food establishment, or if located in another state, licensed according to the laws of such state.
2. The food vending machine company / operator of the food vending machine must maintain a current record of the location of each food vending machine it operates or services. The records must be made available to Food Safety Program staff on request.

3. Each food vending machine must conspicuously display the food vending machine company/operator's name and phone number.

c. Food Processing Plant

Any commercial operation that manufactures, packages, labels or stores food for human consumption and provides the food for further distribution. Moreover, a Food Processor and a Food Storage Facility also shall be licensed by the Kansas Department of Agriculture. A Food Processor is an operation that provides food operations for further distribution with or without charge. A Food Storage Facility is a commercial operation that stores food for human consumption but does not provide food directly to customer. An application fee is \$100, but both license fees are based on the size of the facility.

d. Dairy Operation

A dairy operation includes a dairy manufacturing plant, a distributor of milk or dairy products, a milk hauler, a milk or cream transfer or receiving station, a manufacture of single service dairy containers or closures. Inspectors will regulate the dairy industry, starting at the farm and continuing as the milk and milk products are transported, processed, distributed and sold.

e. Meat or Poultry Plant

These are plants that slaughter, prepare or package meat, meat products, poultry and poultry products. The Kansas Meat and Poultry Inspection Program is a cooperative state-federal program which is responsible for administering the Kansas Meat and Poultry Inspection Act. Requirements will differ depending on the type and extent of meat slaughtering/processing and sales of product involved. Consumers utilizing a meat processing facility should be aware of the differences between the types of facilities in order to make an informed decision when butchering their home-grown livestock. Federal law requires state inspection standards be 'equal to' those of federally inspected operations and state inspected products cannot be sold outside Kansas.

2. Submit Plans

Complete the Plan Review Application found in the link below:
<http://agriculture.ks.gov/docs/default-source/fsl--forms/plan-review-application-for-food-establishments--fillable.pdf?sfvrsn=10>

You can submit the complete application via email (preferred), mail or fax.

Email: KDA.FSL@ks.gov

Mail: Food Safety Plans
Kansas Department of Agriculture
1320 Research Park Drive,
Manhattan KS 66502

Fax: (785) 564-6779

KDA will review plan submittals once received. Please allow 1-2 weeks to review plans. A letter will be sent to you after your plans have been reviewed.

3. Complete Application and Submit Fees

Once the application has been reviewed, the inspector will be notified and begin the scheduling for a licensing inspection prior to operation.

If you are a Corporation, LLC or another form of business entity besides an individual or partnership, you will be required to register with the Kansas Secretary of State prior to being issued your license. You may contact them at (785) 269 -4564 for more information.

4. Schedule a Licensing Inspection

Once the facility is ready to operate, a Food Safety Inspector will conduct a licensing inspection where the inspector inspects the facility and all the equipment. Please contact KDA at (785) 564-6767 or KDI.FSL@ks.gov for further information or to request a licensing inspection if you have not heard from your inspector within five business days after submitting the application.

The Kansas Department of Agriculture Licensing Guides have been created to identify some of the licensing, permitting requirements required by agencies involved in opening and operating Kansas businesses as you can find below:

<http://agriculture.ks.gov/kda-services/licensing-guides>

or you can simply contact Kansas Department of Agriculture Advocacy, Marketing & Outreach Team or agribusiness development or specialist for other inquiries.