



TEXAS DEPARTMENT OF STATE HEALTH SERVICES
PUBLIC SANITATION & RETAIL FOOD SAFETY GROUP

**STARTING A NEW RETAIL FOOD ESTABLISHMENT
UNDER DEPARTMENT OF STATE HEALTH SERVICES JURISDICTION**

*****There are many local health departments in the State of Texas. You should contact your city or county office to determine if they permit facilities in your area. If not, then you are under Department of State Health Services (DSHS) jurisdiction and the following information is applicable. Contact your county or city code enforcement division regarding local building, plumbing, electrical, fire, and zoning requirements. *****

PERMITTING

Unless specifically exempted, a retail food establishment located in any area regulated by Texas Department of State Health Services (DSHS) must have a valid permit before operating. Permit exemptions may be reviewed at 25 TAC 229.371(6) (B) and 25TAC 229.372(b) and (c).

DSHS regulates retail food establishments in all areas of the State that are not permitted and inspected by local health agencies. To determine the permitting and inspecting agency, contact your city or county government offices. If you need additional assistance, contact us at (512) 834-6753.

Retail food establishments, unless specifically exempted, must be permitted. There are 3 types of permits:

- Fixed Establishment
- Mobile food unit (including roadside vendors)
- Temporary establishment
 - single event not to exceed 14 consecutive days
 - multiple event permit for unlimited number of events for 2 years.

DSHS permit applicants must acknowledge that they have “read and understood Chapter 437 of the Health & Safety Code, the applicable provisions of 25 TAC, Chapter 228 (The Texas Food Establishment Rules) (TFER), and agree to abide by them”.

OBTAINING A CERTIFIED FOOD MANAGER’S CERTIFICATE

All food service establishments, under the jurisdiction of the DSHS, with some exemptions, shall employ a Certified Food Manager. Additional information is available at <http://www.dshs.state.tx.us/food-managers/default.aspx>.

Exemptions include:

- Non-profit organizations.
- Child care (day care) facilities.
- Firms that sell only prepackaged foods.
- Firms that do not prepare or handle exposed potentially hazardous foods.

OBTAINING A TAX ID NUMBER

You must have a sales tax ID number before you submit a permit application. Contact the State Comptroller's Office at 1-800-252-5555 or by referring to the web site at <http://www.window.state.tx.us/taxpermit/> for information about obtaining a sales tax ID number.

EQUIPMENT AND FACILITY REQUIREMENTS

The following list of equipment and facility requirements was developed in response to questions from customers making initial business decisions. It is not a complete list. For more detailed requirements, refer to the Texas Food Establishment Rules at: <http://www.dshs.state.tx.us/foode establishments/guidance.aspx>.

Fixed Establishment:

- A 3-compartment sink to wash, rinse, and sanitize equipment and utensils. A mechanical dishwasher may also be utilized.
- handwash sink(s) conveniently located in the food preparation area(s).
- employee restroom(s) with handwash facilities.
- hot and cold water under pressure at all sinks.
- a service sink or curbed cleaning facility for mops.
- a sewage disposal system that is properly constructed, maintained, and operated.
- water from an approved source.
- adequate heating and/or refrigeration equipment for cooking, reheating, or holding foods at safe temperatures.
- an appropriate temperature measuring devices for checking internal food temperatures (probe-type thermometers or thermocouples).
- an accurate thermometer for each hot/cold holding unit.

Mobile Food Unit: Minimum requirements can be reviewed at 25 TAC 228.221 and Mobile Food Unit Checklist

NOTE: Mobile food unit operators typically prepare or handle unpackaged foods. Roadside vendors are limited to handling pre-packaged foods only.

Temporary Food Establishment: Minimum requirements can be reviewed at 25 TAC 228.222 and Compliance Requirements.

Food Contact Surfaces of Equipment: Minimum requirements can be reviewed at 25 TAC subchapter D, Section 228.101.

APPROVED WATER SOURCE/WATER WELLS

Water used for food preparation, handwashing, and dishwashing must come from an approved source. The following sources are approvable:

- Community (municipal) water system (public water system).
- Non-Community water system (public water system). This category includes on-site wells that supply more than 25 customers per day for a total of 60 days per year. These wells must be listed and approved by the Texas Commission of Environmental Quality (TCEQ). TCEQ will oversee the testing requirements and operation of the wells. Contact the TCEQ Public Drinking Water Section at (512) 239-4691 for assistance.
- Non-public (private) water system – This category includes wells that serve less than 25 customers per day for a total of 60 days per year. The well must be properly constructed, maintained, and operated. Prior to use, the water must be sampled for safe bacteriological quality and must be tested at least bi-annually thereafter.

RESTRICTIONS ON COMMERCIAL FOOD PREPARATION IN A HOME

The Texas Food Establishment Rules (TFER), Section 228.174(k) states: A private home, a room used as living or sleeping quarters, or an area directly opening into a room used as living or sleeping quarters may not be used for conducting food establishment operations.

TEXAS FOOD ESTABLISHMENT RULES (TFER)

Refer to the TFER for detailed information regarding these and other requirements. The TFER can be found at <http://www.dshs.state.tx.us/foodestablishments/guidance.aspx>

You can also contact the Public Sanitation & Retail Food Safety Group at (512) 834-6753 for additional guidance.