



## **GUIDANCE DURING COVID-19 DISASTER DECLARATION REGARDING SALE OF RESTAURANT-PREPARED FOOD PRODUCTS IN GROCERY STORES**

**May 19, 2020**

**In support of retail foodservice establishments during the COVID-19 Disaster Declaration, grocery stores may allow appropriately-permitted retail foodservice establishments to sell prepared foods in their stores. No wholesale transactions may occur between retail foodservice establishments and the grocery stores for products containing meat, poultry, or any meat product subject to HSC 433. The retail foodservice establishments must receive 100% of the proceeds from the sale of their products in grocery stores. Retail foodservice establishments selling products in grocery stores will not be required to obtain a Food Manufacturer License from DSHS for the duration of the disaster declaration.**

- Retail food establishments participating in this program must be currently permitted with the appropriate regulatory authority—either DSHS or the Local Health Department.
- All foods prepared in participating establishments must be from approved sources and must be foods that are permissible under the Texas Food Establishment Rules (TFER). Meat and poultry source products must be received by participating establishments bearing either state or federal marks of inspection. Foods prepared in a home kitchen (Cottage Food) are **not** allowed to be sold in grocery stores.
- Foods placed on shelves for customer-self-service must be packaged in such a way as to prevent adulteration or cross-contamination of the enclosed or other food products.
- Packaged food products must be labeled, at a minimum, with the following information:
  - Common or usual name of the food product.
  - List of all ingredients.

- Declaration of allergens.
    - The declaration should be in a separate “Contains” statement and list the major allergens or sensitivity-causing ingredients contained in the food product.
    - Foodservice establishment personnel should check the labels of product ingredients for sub-ingredients that are allergenic.
    - The eight major allergen groups are milk, egg, fish, shellfish, tree nuts, wheat, peanuts, and soy.
    - Sensitivity-causing ingredients include FD&C Yellow # 5, FD&C Red # 40, and sulfites.
  - Net weight.
  - Name and city, state and zip of the manufacturer (restaurant).
  - Sell-by date (not to exceed six days beyond the date of preparation).
  - Safe handling instructions on labeling of any raw and partially-cooked meat and poultry products.
- Cooked food products must be properly cooked and cooled per the requirements of TFER.
  - All food products must be held to temperature per the requirements of TFER. Proper cold-hold and hot-hold temperatures must be maintained during transportation and holding for customer-self-service.
  - Grocery stores must have sufficient equipment to maintain products held and sold for participating retail foodservice establishments at all times.
  - Food products must be protected from adulteration and contamination during transportation and holding for customer-self-service.
  - Complete and accurate records of all business transactions related to the production, transportation, and sale of product must be maintained and available for examination at each place of business.

**This Guidance Document is in effect for the duration of the disaster declaration.**

**For questions or information, please call:**

**Foods Unit at 512-834-6670**  
**Retail Foods Unit at 512-834-6753**  
**Meat Compliance Unit at 512-231-5609**