Do I need a license to prepare and sell food to the general public?
Yes. With a few exceptions, the state Food Law, Act 92, prohibits a person from operating a food service establishment unless licensed and inspected by the designated regulatory authority.

But I am only selling beverages; do I still need a license?
Possibly; food is anything that can be consumed by humans which includes beverages and ice. Prior to selling beverages, the Health Department must be consulted to determine whether a license is required.

But I am giving the food/beverage away; do I still need a license?
Yes. The requirements of the Food Law remain the same. Food/beverage offered to the public must be stored, prepared and handled in the same safe manner whether it is sold or given away.

I want to start a home-based catering/bakery business, what do I need to do?
Private homes cannot be licensed as a food service establishment. The FDA Food Code 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.” In addition, room finishing materials and equipment must be commercial grade and meet specific construction, durability and cleaning requirements.

What do I need to do to open a hot dog cart, mobile truck or concession stand?
All new food service establishments must undergo a plan review process before a license is granted. A completed plan review application along with equipment specifications, standard operating procedures, menu, and scaled floor plans must be submitted for review and approval by the local health department.

I am buying an existing restaurant, can I use their license?
No. Food service licenses are issued to a specific owner and to a specific address therefore are not transferable to another person or to another location. A Change of Ownership Application is required to be completed and submitted to the local health department.

I am planning on constructing a new establishment or remodeling an existing establishment. Do I need to let the Health Department know?
Yes. New and remodeled facilities are required to submit plans and specifications to the local Health Department for review and approval prior to the start of construction.

I am buying an existing restaurant and just replacing a few pieces of equipment. Do I still need Plan Review approval? Yes. Before adding, removing or replacing equipment the Health Department must be consulted to determine if proposed changes will meet Food Code requirements.

**What Type of Facilities Require Licensure?**

- A fixed or mobile restaurant, coffee shop, cafeteria, short order café, luncheonette, grill, tearoom, sandwich shop, soda fountain
- Tavern, bar, cocktail lounge, nightclub
- Drive-in, food concession
- Industrial or institutional feeding establishment
- Private organization serving the public
- Rental hall, catering kitchen
- Delicatessen, theater, commissary
- A bed & breakfast that has at least 11 rooms for rent, if the bed and breakfast serves MORE than continental breakfasts OR any Bed & Breakfast that has more than 16 rooms for rent no matter the type of food served
- Any place in which food or drink is prepared for consumption either on or off the site
- Any other eating or drinking establishment or operation where food is served or provided for the public

**What Type of Facilities DO NOT Require Licensure?**

- A motel that serves continental breakfasts only
- A bed & breakfast that has 10 or fewer sleeping rooms, including sleeping rooms occupied by the innkeeper, 1 or more of which are available for rent to transient tenants
- A bed & breakfast that has at least 11 but fewer than 15 rooms for rent, if the bed and breakfast serves continental breakfasts only
- A charitable, religious, fraternal, or other nonprofit organization operating a home-prepared baked goods sale or serving only home-prepared food in connection with its meetings or as part of a fund-raising event
- An inpatient food operation located in a health facility*
- A facility that is a primary residence and the food operation is limited to serving meals to the occupants as part of their living arrangement. Such as in a prison*, jail, state mental health institute*, boarding house, fraternity or sorority house, convent
- Serving packaged food ONLY

* These are licensed directly by the State

**What Types of Food Licenses Are Available?**

**Fixed Food Service:** annual license issued a fixed location establishment that meets the minimum requirements of the Michigan Food Law of 2000, as amended and FDA Food Code of 2005.

**Special Transitory Food Unit (STFU):** annual license issued to those units that are self-contained and meet the minimum requirements of the Michigan Food Law of 2000, as amended, and the FDA Food Code of 2005. These are usually wheeled units that travel from location to location during the operating season.

**Temporary Food Service Establishment:** means a food establishment which operates at a fixed location for a temporary period not to exceed 14 consecutive days.

**Mobile Food Units:** annual license issued to a truck style unit that must return to a licensed commissary every 24 hours.

**WHICH ONE MEETS YOUR NEEDS??**
MORE Frequently Asked Questions!

1. **Can my church prepare food on the premises?** **YES** as long as the facility is licensed. It can be licensed as a Fixed Food Service Establishment or as a Temporary Food Service Establishment. Another option is prepare ALL foods at home. Home-prepared foods by non-profits do NOT require a license.

2. **What about other NON Profits like fraternal organizations, sports concessions, etc?** The same applies to ALL on-site preparation of food. Any time that food is prepared on the site it must be licensed.

3. **But I am giving the food/beverage away; do I still need a license?** **YES** the requirements of the Food Law remain the same. Food/beverage offered to the public must be stored, prepared and handled in the same safe manner whether it is sold or given away.

4. **Is an existing food service license transferrable under new ownership?** **NO** when an establishment changes ownership the new owner must contact the local health department and apply for a new license.

5. **I would like to build and/or remodel a food service establishment. Are there requirements that need to be met?** **YES,** there is very specific Plan Review requirements under the MFL 2000. Contact your local health department for further information.

6. **I want to start a home-based catering/bakery business, what do I need to do?** Private homes **cannot** be licensed as a food service establishment. The FDA Food Code 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.” In addition, room finishing materials and equipment must be commercial grade and meet specific construction, durability and cleaning requirements.

Who Should I Call if I Have Questions?

Any health department would be more than willing to discuss all the requirements of the Michigan Food Law of 2000, as amended (MFL 2000) Health Departments will conduct on site evaluations to determine the level of compliance your facility has and what if any are the corrections that may be needed to make a facility compliant with MFL 2000.

**LICENSE APPLICATIONS**

These can be obtained via mail, email at the Allegan County website

www.allegancounty.org/Government/HD/EH/

**OR**

Through the Michigan Department of Agriculture and Rural Development website

www.michigan.gov/mdard