

INTERIM RULE

SECTION 1. (a) This SECTION supersedes 410 IAC 7-26-75.

(b) "Mobile retail food establishment" has the meaning set forth in IC 16-42-28-2.

SECTION 2. (a) This SECTION supersedes 410 IAC 7-26-124.

(b) "Temporary food establishment" means a retail food establishment that operates in conjunction with a single event or celebration:

(1) for a period of not more than fourteen (14) consecutive days; or

(2) while at the Indiana State Fair.

It does not include a mobile retail food establishment.

SECTION 3. (a) This SECTION supersedes 410 IAC 7-26-477

(b) Prerequisites for operation are as follows:

(1) A person may not operate a retail food establishment without first having registered with a regulatory authority.

(2) Except as specified in subsection (3), to allow verification that the retail food establishment is constructed, equipped, and otherwise meets requirements of this rule, a regulatory authority shall be notified of an intent to operate at least thirty (30) days before operating under this rule.

(3) A regulatory authority's preoperation requirements for micro market operations shall comply with the IC 16-42-5-32(e).

(4) For purposes of this section, a violation of subsection (1) is a PF item.

(5) For purposes of this section, a violation of subsection (2) is a core item.

SECTION 4. (a) This SECTION supersedes 410 IAC 7-26-488

(b) To obtain a mobile retail food establishment license, an owner or operator must complete a license application using a state issued form and must:

(1) submit that application to a local health department;

(2) complete a plan review as required under 410 IAC 7-26-480; and

(3) remit payment to a local health department with their application in the amount set by IC 16-42-28.

(c) A mobile retail food establishment shall comply with the applicable requirements of this rule, in addition to the requirements set forth below:

- (1) A mobile retail food establishment shall post their license conspicuously to the right of the customer point of service at all times, whether in operation or during storage.**
- (2) A mobile retail food establishment shall post their most recent inspection report conspicuously for consumer review.**
- (3) A mobile retail food establishment shall notify each regulatory authority of their intent to operate utilizing a state issued Notice of Intent form five (5) business days before beginning operation.**
- (4) Except as provided in subsections (c)(8) and (c)(9), or unless approved in writing by a regulatory authority for another servicing interval, a mobile retail food establishment shall physically return to a servicing area or commissary at least once daily for any support activities.**
- (5) The person-in-charge of a mobile retail food establishment shall notify a regulatory authority when there is a commissary location change prior to the change.**
- (6) A mobile retail food establishment must be inspected in accordance with IC 16-42-28-8(a)(4) by the local health department that issued the mobile retail food establishment license.**
- (7) A mobile retail food establishment shall provide convenient access to a restroom for employee use throughout the entirety of operational status.**
- (8) A mobile retail food establishment serving packaged manufactured non-TCS foods, packaged manufactured TCS foods that are stored and served frozen, or beverages that are non-TCS and are dispensed from covered urns or other protected equipment, need not comply with this rule pertaining to the following:
 - (A) The necessity of water and sewage systems.**
 - (B) The cleaning and sanitizing of equipment and utensils if the required equipment for cleaning and sanitizing exists at the commissary or servicing area.**
 - (C) Operations dependent on a servicing area.****
- (9) A mobile retail food establishment serving ready-to-eat food and manufactured TCS foods that are only assembled to serve, heated to serve, or held at a safe temperature to prevent spoilage prior to serving need not comply with this rule pertaining to the following:
 - (A) The necessity of water in subsection (c)(12) if the mobile retail food establishment has an enclosed potable water supply sufficient to meet the needs of the food being served and handwashing; or**
 - (B) The daily return to commissary or service area if the mobile retail food establishment returns every other day to the commissary or service area for support activities, or at an interval approved by a regulatory authority.****
- (10) A mobile retail food establishment shall provide only single-service articles for use by the consumer.**

- (11) A mobile retail food establishment shall provide a trash receptacle outside of the unit for customer use during operational status.
- (12) Except as set forth in subsection (c)(9), a mobile retail food establishment requiring a water system shall have a potable water system under pressure. The system must be of sufficient capacity to furnish enough hot and cold water for food preparation, utensil cleaning and sanitizing, and handwashing, as specified in this rule.
- (13) If liquid waste results from the operation of a mobile retail food establishment, a mobile retail food establishment shall store the waste in a permanently installed retention tank that is at least fifteen percent (15%) larger capacity than the water supply tank.
- (14) A mobile retail food establishment may not discharge liquid waste from their retention tank when the mobile retail food establishment is in motion.
- (15) A mobile retail food establishment shall notify the local health department that issued their mobile retail food establishment license regarding any menu or structural changes to their mobile retail food establishment outlined under section 3 of this rule.
- (16) A mobile retail food establishment shall comply with all local zoning requirements and ordinances that are not superseded by this rule, 410 IAC 7-26, IC 16-42-5, and IC 16-42-28.

(d) A local health department shall comply with applicable requirements of this rule including the requirements written below:

(1) The local health department shall ensure all operational requirements are met prior to issuing a mobile retail food establishment license.

(2) The local health department shall utilize state-issued forms associated with Mobile Retail Food Establishment operation.

(3) The local health department shall review plan review submissions for each Mobile Retail Food Establishment.

(4) The local health department shall remit all mobile retail food establishment payments via check paid to the Indiana Department of Health - Food Protection Division.

(5) As set forth in IC 16-42-5-0.4, 16-42-5-0.5, and 16-42-5-0.7, the local health department may not charge any fees, fines or civil penalties against a mobile retail food establishment except for the licensing fee set forth in IC 16-42-28-7 and civil penalties set forth in 410 IAC 7-21.

(e) For purposes of this section, a violation of subsection (c)(14) or (c)(15) is a P item.

(f) For purposes of this section, a violation of subsection (c)(1), (c)(3), (c)(4), (c)(6), (c)(7), (c)(8), or (c)(11) is a PF item.

(g) For purposes of this section, a violation of subsection (c)(2), (c)(5), (c)(9), (c)(10), (c)(12), or (c)(13) is a core item. (*Indiana Department of Health*;