

STATE OF COLORADO

COLORADO DEPARTMENT OF HEALTH

Dedicated to protecting and improving the health and environment of the people of Colorado

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Roy Romer
Governor

Thomas M. Vernon, M.D.
Executive Director

FOOD SERVICE INTERPRETIVE MEMO #90-01

DATE: April 18, 1990

SUBJECT: Determination of Food Service Licensure Under Title 12-44-202 and 211 CRS 1989

As with any new law or regulation, there has been some confusion as to which facilities serving food or beverage are subject to licensure under the provisions of the subject statute. In order to clarify this matter, the Department requested the Attorney General's Office to provide legal counsel.

That Office has advised the Department that only those facilities listed as subject to licensure in the Statute may be licensed and only those listed as exempt may not be licensed. The Attorney General's Office has concluded that the language of the statute takes precedent over any Legislative intent.

Therefore, taverns serving only drinks in their original bottle and prepackaged foods; shops preparing and serving only nonperishable pastries, coffee and tea; or mobile units such as lunch wagons or push carts serving only prepackaged food would not be licensed as food service establishments. Conversely, exceeding these limitations such as the dispensing of soft drinks in addition to the above would require food service licensing.

If a food establishment does not require a food service license, public health protection would still be provided by regulatory control through the Colorado Pure Food and Drug Act (25-5 Part 4, CRS) and the Sanitary Regulations (25-4 Part 1, CRS).

Thank you for your cooperation.

Tom Messenger, Director
Consumer Protection Division

