



# COLORADO

Department of Public Health & Environment

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

<b>PROGRAM:</b>	RETAIL FOOD
<b>EFFECTIVE REGULATION:</b>	<i>Colorado Retail Food Establishment Rules and Regulations, January 1, 2019</i>
<b>INTERPRETIVE MEMO NO.:</b>	19-08
<b>DATE:</b>	January 1, 2019
<b>SUBJECT:</b>	Retail Food Establishments exempt from Certified Food Protection Manager requirements

As a result of the regulation revision of the Colorado Retail Food Rules and Regulations that become effective on January 1, 2019 clarification of section 2-102.12, Certified Food Protection Manager (CFPM) is necessary. This section of the regulations indicates:

*“At least one employee that has supervisory and management responsibility and the authority to direct and control food preparation and service shall be a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program.”*

Section 2-102.12(B) and 2-102.12 of Annex 3 allows certain types of retail food establishments to be exempt from this requirement. Exemptions would be allowed for operations that pose minimal risk of causing, or contributing to foodborne illness based on the nature of the operation and extent of food preparation.

The following license types meet this requirement and are exempt from 2-102.12(A), CFPM:

1. Limited Retail Food Establishments (includes Mobile pre-packaged)
2. Grocery Stores without deli, less than 15,001 sq. ft.
3. Grocery Stores without deli, over 15,000 sq. ft.

In addition to these above listed license types, other operations may also meet the intent of the exemption. The following factors should be reviewed when determining if an establishment should be exempt:

- Size and scope of the operation;
- Hours of operation;
- Types of foods sold or served;
- Extent to which food is prepared on site;
- Number of staff;
- Type of population served, e.g. highly susceptible or not; and
- Number of meals served.

Due to the diversity of temporary event retail food establishments, the need for a CFPM will be determined by the local public health agency based on the assessment of the operation’s food risk factors.

25-4-1601 C.R.S. provides CDPHE’s authority for the uniform statewide administration, implementation, interpretation, and enforcement of *The Colorado Retail Food Establishment Rules and Regulations*. This interpretive memo is issued in accordance with this authority and CDPHE expects its contents to be implemented uniformly.

All previous interpretive memoranda issued pertaining to this subject are hereby superseded as of the effective date above.

Jeff Lawrence, Director  
Division of Environmental Health and Sustainability

