Oklahoma State Department of Health Regulations

310:260-1-3 Incorporation by reference

(a) Title 21, Parts 70 through 73A, 74A, 80 through 82B, 100 through 197, 1210, 1220, and 1250, Code of Federal Regulations (CFR), as of April 1, 1991, issued under the Federal Food, Drug and Cosmetic Act of April 1, 1986 are hereby incorporated by reference into this regulation, except: Parts 104.19, 109.5, 170.15, and 171.

*OAC 310:260 GOOD MANUFACTURING PRACTICE REGULATIONS is the equivalent of CFR 110

310:250-3-1. Food service establishments’ permits (License)

(1) Class P - "Food Processors":
   (A) Initial - $350.00
   (B) Renewal - $250.00
   (C) Late Renewal - $300.00

310:250-3-7. Application Fee (Plan Review)

(b) Applicant shall submit the prepared plans and specifications for review and approval as stated in OAC 310:260 "Good Manufacturing Practice Regulations". The application fee and plans shall be submitted to the Oklahoma State Department of Health.

(3) Type 45 Class P - "Food Processors" $200.00

Persons selling foods not containing a portion of food they produced and not regulated by OAC 310:250 shall comply with:

Chapter 257 Food Service Establishment Regulations
Subchapter 17
Mobile Pushcarts, Mobile Food Service Establishments, and Mobile Retail Food Service Establishments

Producers regulated under the Good Manufacturing Practice Regulations shall be regulated by the Manufacturing Staff and the Oklahoma State Department of Health.

Phone number 405-271-5243
Website Health.ok.gov

This website contains the:
- Good Manufacturing Practice Regulations,
- Plan Review Application,
- Affidavit of Lawful Presence
- Various other pieces of helpful information

Licensure Inspection

- Conducted after Plan Review Application has been approved and construction completed.
- Establishment must meet all requirements of Chapter 260 (CFR 110).
- Signed application shall be submitted with $350 licensure fee to Oklahoma State Department of Health within 4 business days.
- License will arrive in mail and must be posted in conspicuous location at the facility.
- If interstate State sales are planned, the firm must register with the FDA.

http://www.fda.gov/Food/GuidanceRegulation/FoodFacilityRegistration/default.htm
The following mobile food establishment categories are recognized:

**Full-service mobile:** a vehicle or trailer designed and equipped to prepare and serve open food products.

**Pre-packaged mobile:** a vehicle or trailer limited to the sale of commercially manufactured pre-packaged food products.

**Pushcart:** a non-self-propelled vehicle the operation of which is limited to serving non-potentially hazardous foods, commercially pre-packaged foods maintained at proper temperature or the preparation and serving of frankfurters.

**Prepackaged Pushcart:** a pushcart that is limited to sale of commercially manufactured pre-packaged food products.

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**Indoor Pushcarts:**

- Limited to operating within the confines of an enclosed or protected environment such as an indoor mall, sports arena, or convention center.
- Perform preparation of fruits and vegetables and all cooking of meats, poultry and seafood from raw in a licensed food service establishment that is not a mobile pushcart, mobile food service establishment, or mobile retail establishment.
- Have a licensed commissary within the confines of facility.

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**Outdoor Pushcarts:**

- Exempt from mechanical refrigeration if able to maintain temperatures of 41° or less
- Limited to non-Time/Temperature Control for Safety Foods and condiments, pre-packaged food, or the preparation and serving of precooked frankfurters or sausages including those made of meat and poultry and return daily to a commissary to service the unit.

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**All Mobile Pushcarts:**

- With open foods shall not be allowed to operate without water and shall have a sink system made of equipment and materials intended for the use of ware washing.
- Shall be located within 500 feet of an approved, permanent toilet facility which is available during all hours of operation for employees.
- Shall have a licensed commissary,
- Shall have hand washing facilities as required in this Chapter on or immediately adjacent to a pushcart.

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**Mobile Food Service Establishment**

- Shall have wheels and one or more axle and shall have approval from the Oklahoma Department of Transportation for road travel
- Remain at one physical address for no more than 12 hours
- Shall return to a commissary daily to dispose of waste water, refill with potable water, and service the mobile unit.

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**Mobile food service establishments**

- Shall display the name of the business and the Oklahoma State Department of Health license number clearly on the outside of the vehicle during hours of operation.
- A mobile retail food service establishment can sell packaged foods prepared by a facility that is in compliance with OAC 310:260 or food prepared in a licensed food service establishment that is not a mobile food service establishment.
**Licensure Inspection**
- Conducted after Plan Review Application has been approved and construction completed.
- Establishment must meet all requirements of Chapter 257 Food Service Establishments, Subchapter 17.
- Signed application shall be submitted with $350 licensure fee to Oklahoma State Department of Health within 4 business days.
- License will arrive in mail and must be posted in conspicuous location clearly visible on the outside of the unit.

**Plan Review**
- Plan Review Application
- Affidavit of Legal Presence
- Plan Review Worksheet
  1. Floor Plans: Show flow of product, from arrival of ingredients to finished product.
  2. Water shall be from approved source. Private wells shall be tested annually.
  3. Sewage disposal shall meet DEQ requirements.
  4. Special processes (ROP, Smoking, etc.)
  5. (You must grow some part of the product to sell at the Farmer’s Market.)
- $200 fee

**Food Demonstrations**

**Sampling Requirements**
All food sampling shall comply with applicable provisions of OSDH Chapter 257 Food Service Establishment Regulations. Food must be protected from contamination during storage, preparation and service. Additional requirements may be imposed as necessary to protect against health hazards related to the conduct of food sampling or demonstrations.

**Food Supplies**
- Approved source
- Sound Condition
- Free from spoilage, filth, or other contamination
- Prepared in an approved facility-no home preparation

**Sampling Equipment**
If any food is being sold in conjunction with sampling operations, an appropriate license must first be obtained!
- Convenient hand washing sink
- Adequate protection for food sampling operations from sneezes during preparation and service
- Adequate facilities to maintain proper temperatures for cold or hot holding of potentially hazardous foods
- Three compartment sink with a drain board for air-drying utensils
- A metal stem thermometer if there are critical cook, hot hold, or cold hold temperatures to consider.
- A wiping cloth stored in a sanitizing solution if operation involves food preparation

**Food Protection**
- Food shall be protected from hair, coughs, sneezes, insects, and other contamination
- Clean sanitized containers, tongs, utensils, etc. shall be used
- No self-service from bulk food containers
- Community dip containers are prohibited
- Self-service operations must be continuously monitored by the food vendor and approved by the Health Department
- Temperature requirements shall comply with Chapter 257 for cooking and hot and cold holding.
For more information please contact:

Consumer Protection Service
Oklahoma State Department of Health
Phone number (405) 271-5243

Consumer Protection
Oklahoma City County Health Department
Phone number : (405) 425-4348

Your local county health department
For on line information, go to Health.ok.gov or www.occhd.org/community/foodprotection/farmersmarkets