

# Food Handling Guidelines for Exempt Food Vendors

**K-STATE**  
Research and Extension

## Foods Sold for Immediate Consumption



### Is a license required?

#### Type of food sales

Foods and beverages intended for immediate consumption, sold by any non-exempt\* entity — **(sold more than six times per year)**.

#### License required?

KDA Food Establishment License – more information on this license is available from <https://agriculture.ks.gov/foodsafetylicenses> and in KSRE/ KDA publication Food Safety for Kansas Farmers Markets: Regulations and Best Practices <http://www.bookstore.ksre.ksu.edu/pubs/MF3138.pdf>

Foods and beverages intended for immediate consumption, sold by any non-exempt\* entity — **six or fewer times per calendar year**.

No licensing required; however, must follow Kansas Administrative Regulations (KAR) 4-28-33<sup>†</sup> "Sanitation and hygiene requirements for exempt food establishments." More details also in KAR 4-28-34<sup>†</sup> (Exemption from licensure; definitions). Note that this would also include cooking classes and competitions, such as BBQ competitions.

Foods and beverages intended for immediate consumption, sold by community groups **for fundraising purposes** (4-H groups, church groups, schools, etc.). No staff paid by the proceeds of the food sales.

No licensing required; however, must follow "Sanitation and hygiene requirements for exempt food establishments" (KAR) 4-28-33<sup>†</sup>. Fundraising for community or humanitarian purposes and educational or youth activities is exempt from licensing with no restriction on number of times done per year.

<sup>†</sup> Available from: [https://www.kssos.org/pubs/pubs\\_kar.aspx](https://www.kssos.org/pubs/pubs_kar.aspx) (enter the KAR number in the "full text search" box)

\*Kansas Statutes Annotated 65-689(d)

Foods and beverages such as sandwiches, pizza, nachos, grilled meats, and non-alcoholic<sup>1</sup> drinks are often sold for immediate consumption at many Kansas events such as farmers markets, 4-H food stands, local athletic events, fairs, festivals, and others. This fact sheet covers such sales, while sales of non-perishable foods are covered in separate publications (Food Handling Guidelines for Bake Sales, [www.bookstore.ksre.k-state.edu/pubs/MF3382.pdf](http://www.bookstore.ksre.k-state.edu/pubs/MF3382.pdf) and in Foods Sold Direct to Consumers in Kansas: Regulations and Best Practices, [www.bookstore.ksre.ksu.edu/pubs/MF3138.pdf](http://www.bookstore.ksre.ksu.edu/pubs/MF3138.pdf)).

### What are the Sanitation and Hygiene Requirements for Exempt Food Establishments in Kansas?

Such food booths must include the following:

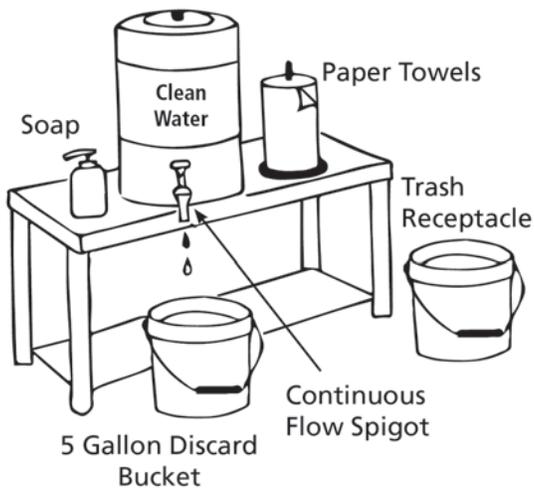
- **Handwashing station meeting the following minimum requirements must be present onsite:**
  - 5-gallon cooler modified with a hands-free spigot<sup>2</sup>
  - Catch basin for wastewater
  - Liquid soap
  - Paper towels

<sup>2</sup> Standard 5-gallon coolers can be easily modified to have a free-flow spigot through the following steps: 1) Unscrew the original push button spigot; 2) Install a hands-free replacement spigot available for bottled water coolers. These are commonly available at hardware and home-brewing stores for less than \$8.

1 Alcoholic beverage sales are regulated by the Kansas Department of Revenue- Alcoholic Beverage Control: [www.ksrevenue.org/abcindex.html](http://www.ksrevenue.org/abcindex.html)

- Adequate supply of warm water
- Trash receptacle

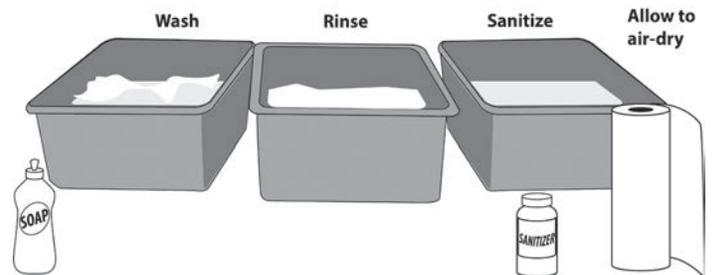
5 Gallon Container



Example Handwashing Station

second basin contains clean rinse water. The third holds sanitizing solution (1 teaspoon unscented bleach per gallon water).

- Adequate supply of potable hot water
- Liquid soap
- Approved sanitizer (sanitizing tablets or unscented bleach)
  - **Soak utensils in sanitizing solution for a minimum of 30 seconds, remove and place on clean paper towels or racks. Items must be allowed to air dry.**
- Paper towels



Three-compartment sanitizing station

- **Three-compartment sanitizing station is present for washing and sanitizing all utensils** (if needed — can also use disposable utensils or adequate clean utensils). The following equipment must be available if needed:
  - Three tubs/basins
    - The first basin holds warm (at least 110°F) soapy water for washing. The

- **Sanitary procedures are followed.**
  - Serving must occur under cover — under a structure, tent, or umbrella.



- Flies, insects, pets, and other consumers must not be allowed to contact food. Therefore, vendors must keep food covered or otherwise protected
- No bare-hand contact with ready-to-eat food is allowed (use gloves, tongs, spoons, or other method).
- Food handlers must wash their hands with soap and water and then dry with paper towels before handling food, before putting on gloves, after handling any raw product, and after using the bathroom.
- All food handlers must be healthy — not infected with a communicable disease or have symptoms such as diarrhea or vomiting.
- All food contact surfaces should be cleaned and sanitized regularly. Use paper towels for cleaning. A sanitizing solution of 1 teaspoon bleach with 1 quart clean water can be used.
- Sauces or dips can be:
  - Dispensed in small disposable containers (i.e., ketchup/mustard packets).
  - Dispensed from a squeeze bottle or container with a pump.
  - Offered on/with a single use spoon.
    - The public should not dip into a container that will also be used by others.
- Trash container must be provided for disposal of spoons, napkins, etc.
- Sellers should ensure that any ingredients used to prepare food are from safe sources, such as using inspected (NOT custom-exempt) meat, milk from a licensed producer, and ingredients from reputable suppliers.
- **Proper food cooking and storage temperatures are maintained.**
  - Hot foods must be maintained at or above 135°F.
  - Cold perishable foods must be maintained at or below 41°F.
  - Dispose of any perishable foods left in the temperature danger zone of 41–135°F for two hours or more.
  - Product temperatures should be checked hourly with a properly calibrated thermometer<sup>3</sup>.
  - Foods must be cooked to the proper temperature during preparation<sup>4</sup>.
  - If foods intended to be served hot have been cooled, they must be reheated to 165°F within 2 hours of removing from refrigeration before hot holding at 135°F or above.
  - Because of the potential risk of contamination from improper cooling and reheating, it is best not to re-serve leftover food.

For the safety of consumers with food allergies, it is a good practice to post a list of all ingredients and clearly identify any of the common allergens in your products, including milk, eggs, fish, shellfish, tree nuts, peanuts, wheat, soy.

Note that many fire departments require any stand with food cooking or heating facilities to have a working fire extinguisher present.

<sup>3</sup> See thermometer calibration information on page 10 of Foods Sold Direct to Consumers in Kansas: Regulations and Best Practices <http://www.bookstore.ksre.ksu.edu/pubs/MF3138.pdf>.

<sup>4</sup> Required cooking temperatures depend on the product type and are listed starting on p53 of the Kansas Food Code (2012): [https://agriculture.ks.gov/docs/default-source/fsl--handouts/2012\\_kda\\_food\\_code\\_12\\_14\\_12.pdf](https://agriculture.ks.gov/docs/default-source/fsl--handouts/2012_kda_food_code_12_14_12.pdf).



Prepared by:

Londa Nwadike

*Extension Food Safety Specialist, Kansas State University and the University of Missouri*

Reviewed by:

Karen Blakeslee

*Extension Associate, Rapid Response Center Coordinator, Kansas State University*

Adam Inman

*Kansas Department of Agriculture Food Safety and Lodging Program*

**K-STATE**  
Research and Extension



Publications from Kansas State University are available at: [bookstore.ksre.ksu.edu](http://bookstore.ksre.ksu.edu)

Publications are reviewed or revised annually by appropriate faculty to reflect current research and practice. Date shown is that of publication or last revision. Contents of this publication may be freely reproduced for educational purposes. All other rights reserved. In each case, credit Londa Nwadike, *Food Handling Guidelines for Exempt Food Vendors – Foods Sold for Immediate Consumption*, Kansas State University, May 2021.

**Kansas State University Agricultural Experiment Station and Cooperative Extension Service**

K-State Research and Extension is an equal opportunity provider and employer. Issued in furtherance of Cooperative Extension Work, Acts of May 8 and June 30, 1914, in cooperation with the U.S. Department of Agriculture, Director of K-State Research and Extension, Kansas State University, County Extension Councils, Extension Districts.

MF3472 rev. | May 2021