



**MARION COUNTY
PUBLIC
HEALTH
DEPARTMENT**

Prevent. Promote. Protect.

Department of Food & Consumer Safety

Frequently Asked Questions: Temporary Food Establishment Operations

Q: What is a temporary event?

A: This would include any event that is: one-time, periodic, free, or ticketed, cultural, charitable exhibitions, expositions, entertainment, cause-related, fundraising, or leisure event that is organized for the purpose of attracting revenue, support, awareness, and/or for entertainment purposes that are open to the general public.

Q: What is considered a temporary food establishment?

A: A temporary food establishment is “a retail food establishment that operates for a period of no more than 14 consecutive days in conjunction with a single event or celebration with the approval of the organizers of the event or celebration” (ISDH Title 410 IAC 7-24-98).

Q: Is there a charge to register for a temporary event?

A: No.

Q: I am planning an event at the Indiana State Fair Grounds, what do I need to do?

A: The Marion County Public Health Department does not license or regulate any of the following entities: Indiana State Fairgrounds, Eiteljorg, Indianapolis Zoo, Fort Benjamin Harrison State Park, Indiana State House, Indiana State Museum, Indiana Historical Society, Governor’s Mansion or Stout Field, White River State Park, Military Park, TCU lawn amphitheater. Contact the Indiana State Department of Health at 317-234-8569 or visit their website: tempevents@health.in.gov

Event Organizer Questions:

Q: What is an event organizer?

An event organizer is the person or organization that is planning an event where food is being served to the general public. The event organizer ensures there are adequate toilet and handwashing facilities, drinking water access for food vendors and trash receptacles for vendors and patrons.

Q: What are the responsibilities of the event organizer?

A: The event organizer must:

- Fill out the temporary event organizer registration application.
- Register for the event thirty (30) days prior.
- Provide a list of food vendors at least ten (10) days prior to the event.
- Out of county or state vendors will need to submit additional information at minimum 5 days prior to the event.
- Provide the health department information about the food/beverage service at the event.
- Submit a site map of the event area detailing: food vendor locations, toilet, and handwashing facilities, drinking water access for food vendors and location of trash receptacles for vendors and patrons.

Frequently Asked Questions
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Q: I am organizing an event where I am inviting food vendors. Who can participate?

A: Licensed retail and wholesale food establishments can participate by applying for a temporary food establishment license with the Department of Food & Consumer Safety. Home based vendors are NOT allowed to participate in temporary events. You can verify if a food establishment is licensed and active on our website under Retail Food Inspection Reports. You can also contact our office to confirm if an establishment is approved.

Q: I am asking several food trucks to come to my event. Do I need to register the event?

A: Yes. Anytime more than one licensed food truck gathers at a specific location that is open to the public it is considered a temporary event. If the food trucks are not licensed by MCPHD Food & Consumer Safety, they will need to obtain a temporary food establishment license.

Q: What if we are organizing the event and preparing the food ourselves?

A: The organization will need to **register for the event thirty (30) days prior to the event**. If the organization meets the definition of a food establishment, it must also obtain a temporary food establishment license 48 hours before the event begins.

Q: Do we have to provide water for the vendors?

A: Yes. The organizer is responsible for providing one location with access to water at the event site. This is for food vendors to obtain water for hand washing, utensil washing, and sanitizer. If a spigot is needed to obtain drinking water on-site, a hydrant meter can be rented from Citizens Energy Group. Citizens Energy Group's number is (317) 263-6360.

Q: Who else do I need to contact?

A: **If the event is to be held outdoors and there are at least 250 people expected to attend, the event will need to be registered with the City of Indianapolis special events.** 317-327-4316 or SpecialEvents@Indy.Gov@indy.gov

If you are serving alcohol, beer or wine at an event you will need to contact Indiana State Excise at 317-541-4100.

If you are using and Indy Park you will need to contact Indy Parks at 317-327-5588, 45 days prior to your event.

Q: Our organization is a registered non-profit. Do we need to obtain a license to serve food?

A: As a non-profit entity you will need to register the event with Food & Consumer Safety 30 days prior to the event and submit a copy of your letter of determination from the Internal Revenue Service stating that your organization has been determined to be a non-profit (501). Your organization is exempt from licensure if you serve and prepare your own food OR if members of the organization serve food obtained from a licensed food establishment. Any third-party food/beverage vendors are required to obtain a temporary food license.

Q: Does our restaurant license allow us to have a cookout /tent party in the restaurant parking lot?

A: No. This is a temporary event that requires registration and a temporary food license. A temporary food license application and organizer registration application can be found at <http://marionhealth.org/programs/environmental-health/food-and-consumer-safety-2/>

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Q: As an organizer of an event that is occurring inside a building do the food vendors have to each bring their own hand washing station?

A: Yes. All vendors are required to have handwashing stations in their stand as part of licensure.

Q: I am organizing a block party for my neighborhood; do I need to register the block party as an event?

A: Block parties are when a specific neighborhood is inviting the residential neighbors to a party/pitch in or crime watch. IC 16-18-2-137(4) Food Establishment does not include a private gathering of individuals who separately or jointly provide or prepare and consume their own food or that of others attending the gathering, regardless of whether the gathering is held on private or public property. Block parties are generally organized by neighborhood associations. If it is sponsored by a church or business or it has outside vendors, it is considered an event and has to be register with MCPHD Department of Food and Consumer Safety and the City of Indianapolis.

Q: I am an event organizer and have ordered portable toilets for my event. Can hand sanitizer be used instead of renting hand washing stations?

A: No. Hand sanitizer is not a suitable replacement for hand washing. Convenient handwashing facilities should be provided for event patrons and employees. Handwashing stations can be rented from portable toilet companies.

Minimum Requirements for Handwashing Facilities:

- Water provided under pressure.
- A retention tank for liquid waste
- Adequate supply of soap and towels for the duration of the event
- Trash receptacle next to the handwashing station



Approved Handwashing Facility for Temporary Events

Temporary Food Establishment Questions:

Q: We are going to provide food/beverage at a festival/fair. What do we need to do?

A:

- Contact the event organizer and become a vendor of the festival or fair.
- Fill out the temporary event vendor application for license.
- Obtain a temporary food license, at minimum, 48 hours prior to the event once the event organizer has registered for the event.
- Provide a copy of your food manager certification if cooking raw food of an animal origin.
- If coming from out of county or state additional information will need to be submitted at minimum 5 days prior to the event.

Frequently Asked Questions

Temporary Food Establishment Operation

Q: What are the rules about having a food manager certificate to operate a temporary food establishment?

A: A temporary event vendor must meet the requirements of Title 410 IAC 7-24. Certification requirements are based on the menu. Provide a copy of your food manager certification if cooking raw food of an animal origin. Having a food manager certification does not make one exempt from obtaining a temporary food license.

Q: What is a potentially hazardous food (PHF)?

A: A potentially hazardous food is a food that is natural or man-made and is in a form capable of supporting the rapid and progressive growth of infectious and toxin-producing microorganisms. These foods typically have: High protein or carbohydrate content, high moisture content and low acidity. PHFs must be temperature controlled for safety. Examples of PHFs include foods of animal origin that are raw, or heat treated, a food of plant origin which is heat treated or consists of raw seed sprouts, cut melons, and garlic and oil mixtures. Origin that are raw or heat treated, a food of plant origin which is heat treated or consists of raw seed sprouts, cut melons, and garlic and oil mixtures.

Q: The temporary event vendor guidelines say only limited food preparation shall occur on site. What does limited food preparation mean?

A: Only grilling, hot holding, cold holding, assembly and serving can be conducted at an event. Examples include a sandwich assembled or a pizza cut and served. There should be limited food handling on site unless operating inside a fully equipped truck or trailer. All foods, including fruits and vegetables, should be prepared, pre-cut or pre-portioned from a licensed retail or wholesale food establishment.

Q: What is a prepackaged food?

A: A prepackaged food is a properly labeled food that is prepared and packaged by the manufacturer at a licensed or registered food establishment. It is prepackaged to prevent human contact and is distributed to the consumer in the original package.

Q: We are serving prepackaged foods at an event; do we need a temporary food license?

A: All individually prepackaged non-potentially hazardous foods that are prepared and packaged in a licensed food establishment or in a commercial packaging plant do not require a food license i.e.; nuts, candy, popcorn, canned or bottled drinks, chips, canned goods etc. Food must be properly labeled and served to the consumer in the original package. Prepackaged potentially hazardous foods would still need to be licensed.

Q: Can I prepare potentially hazardous food at home, cook it at the event and sell it?

A: No. All food must come from an approved source. No home-prepared foods are permitted. All other food preparation such as chopping, mixing, thawing, making salads or egg rolls must occur in your licensed food establishment prior to the event.

Q: What is required for a temporary hand washing station for food service workers?

A: A temporary hand washing station must consist of running water, soap, paper towels, a discard bucket and trash can. If a sink is not available, a large thermos or container fitted with a spout that allows the water to remain running without holding or pushing the dispensing mechanism is to be used. A discard bucket must be placed under the water container to catch wastewater. All food vendors must provide this set up in the stand.

Frequently Asked Questions
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Approved Temporary Handwashing Station Examples

Q: What if the event organizer said I don't need to bring my hand washing station?

A: As part of licensure the temporary event vendor is required to bring a handwashing station for inside your stand as well as the other items stated on the temporary event vendor operation checklist. <https://drive.google.com/file/d/0BxrAC5d0LD5ObnZYYUtOR25Jcmc/view>

Q: We are participating in a temporary event and will have two stands. Do I need two licenses?

A: Yes. If the stands are in two different locations a license will be required for each location. If the stands are side by side, one license is required.

Q: We are a licensed mobile unit in Marion County. Do we need to obtain a temporary license to operate at a festival?

A: No. Mobile food establishments licensed in Marion County are licensed on an annual basis. If the mobile license is current and all cooking and serving is occurring from within the licensed mobile unit, no additional license is needed.

Q: We are a licensed mobile unit in Marion County. We are participating in an event where we are cooking out of the truck but setting up a stand inside a building or from a tent and serving our food from the tent. Do we need a temporary license?

A: Yes. If food service is occurring outside of the licensed mobile establishment, a temporary food license is required.

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Q: We are a licensed mobile unit in a neighboring county, NOT in Marion County. Do we need to obtain a temporary license to operate at an event?

A: Yes. Any mobile unit not currently licensed in Marion County will need to obtain a temporary food license at minimum 48 hours prior to the event.

Q: We are serving samples at an event. Do we need to obtain a temporary food permit?

A: Exemptions are made for specific, low-risk non-potentially hazardous food items. Contact our office to determine if your product would be exempt. All food and beverage vendors are required to be listed on the registration application.

Q: We will be having a cooking demonstration at our event. Do we need to obtain a temporary food establishment license?

A: Yes. If the cooking demonstration includes giving food from the demonstration to the audience, then a temporary food establishment license is required.

Q: I have a smoker and/or a grill, can I set up on the street corner and serve food?

A: No. This would not be considered an event or celebration and does not qualify for a temporary license. The City of Indianapolis and/or other jurisdictions may require applications for zoning and other city permits regarding the sale of any goods.

Q: How do I submit the application and pay for the temporary food establishment license?

A: Applications may be submitted in person at our office or by mail. Applications cannot be emailed or faxed. Please ensure sufficient time is given for mailing and processing to ensure your application and payment is received prior to the event. We accept cash, money order or certified check. If you are a licensed food establishment in Marion County, we will accept a company check. Please do not send cash through the mail. Our office hours are Monday-Friday 8am to 4:30pm. We are closed on major holidays. We do not except credit cards or payment over the phone.

Frequently Asked Questions

Temporary Food Establishment Operation

**The following are examples of food categories that may be provided at a temporary food establishment operation.
This list does not encompass all possible food items.**

Food Items to be Served	License Required?	Certified Food Manager Required?	Minimum Equipment Needed
<ul style="list-style-type: none"> • Non-potentially hazardous /pre-packaged food: <ul style="list-style-type: none"> ○ Canned/bottle soda, water, juice ○ Individually bagged popcorn, cotton candy, chips, pretzels, candy or nuts 	NO	NO	N/A
<ul style="list-style-type: none"> • Non-potentially hazardous/unpackaged food: <ul style="list-style-type: none"> ○ Snow-cones ○ Cotton candy ○ Popcorn, kettle corn ○ Carmel apples ○ Pretzels 	YES	NO	<ul style="list-style-type: none"> ○ Handwashing Station ○ Overhead Covering ○ Floor Covering
<ul style="list-style-type: none"> • Potentially hazardous/ prepackaged food: <ul style="list-style-type: none"> ○ Individually boxed pizza ○ Individually wrapped sandwiches. ○ Individually wrapped ice cream 	YES	NO	<ul style="list-style-type: none"> ○ Handwashing Station ○ Overhead Covering ○ Floor Covering ○ Temperature Control ○ Thermometer ○ Sanitizer
<ul style="list-style-type: none"> • Potentially hazardous food: <ul style="list-style-type: none"> ○ Barbecue, ribs, pulled pork ○ Tacos, enchiladas, tamales ○ Hamburgers, hot dogs, brats ○ Chicken wings, chicken strips, kebobs ○ Pizza, sandwiches, calzones 	YES	YES- if cooking food of a raw animal origin	<ul style="list-style-type: none"> ○ Handwashing Station ○ Overhead Covering ○ Floor Covering ○ Temperature Control ○ Thermometer ○ Sanitizer ○ Dishwashing

Frequently Asked Questions
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Home Based Vendors Questions:

Q: I'm a home-based vendor. Can I participate in a temporary event?

A: In April 2022 the Indiana legislators passed House Enrolled Act (HEA) 1149. This Act excludes Home Based Vendors (HBV) from the definition of Retail Food Service Establishment. HEA 1149 allows for the production and sale of certain foods that do not present a significant public health risk to be sold at farmers markets, roadside stands, event, online in the state of Indiana.

Q: Can a person prepare and sell food products as a Home-Based Vendor (HBV)?

A: A person may prepare and sell food products as a home-based vendor if the person complies with the following requirements. The individual vendor's food product(s) is:

- 1) prepared at the individual's primary residence.
- 2) not a potentially hazardous food product.
- 3) prepared using proper sanitary procedures including (A) proper hand washing; (B) sanitizing the container or other packaging in which the food product is contained; (C) storing the food product safely; (D) producing the food product in a food preparation or packaging area in which animals are not present; and (E) cleaning and sanitizing of surfaces that have contact with the food product.
- 4) in a sealed package that allows a consumer to determine if the product has been tampered with.
- 5) labeled according to requirements.
- 6) prepared by an individual who has a current Certified Food Handler certificate issued by an American National Standards Institute (ANSI) issuer and made available upon request of the consumer or health department.
- 7) sold in person, by telephone, or through the Internet; **AND**
- 8) delivered to the end consumer in person, by mail, or by a third-party carrier only within the State of Indiana **AND** documentation of product shipping/ mailing address of each end consumer is maintained for at least one year after date of sale by electronic or paper form.

Q: What makes a food *potentially hazardous* or *non-potentially hazardous*?

A: Foods that may create a public health risk are considered ***potentially hazardous foods*** and may NOT be produced and sold under the HBV exemption. A potentially hazardous food product includes a food that requires temperature control. In general, any food that has ingredients, packaging, and/or storage conditions that could lead to a human health risk is considered potentially hazardous.

To view the home-based vendor guidance document got to our website:

<https://marionhealth.org/wp-content/uploads/2023/06/2023hbv-2.pdf>