

Itinerant Food Vendor Reciprocal Licensing Frequently Asked Questions for Connecticut's Local Health Officials

What is reciprocal licensing/permitting of itinerant food vendors?

This is a process where an itinerant food vendor can receive a license/permit and be inspected by one local health jurisdiction ("Permitting LHD") and then be allowed to operate in another local health jurisdiction ("Operating LHD") as long as the two local health departments have signed the reciprocal licensing/permitting MOU.

If an itinerant food vendor has a license/permit, can the vendor travel throughout the state and sell food?

They can travel to serve and sell food as an itinerant food vendor if they are licensed/permited by a health department or district that is part of the reciprocal MOU and can only sell food in jurisdictions that have signed the reciprocal MOU. If they are serving food in a town that is not part of the MOU, they must get a permit from the local health department. Also, regardless of the town in which they are operating, they can only sell the menu of foods approved by the Permitting LHD.

How do I know which Departments/Districts of Health are participating in the reciprocal licensing/permitting?

The list of departments/districts of health that are participating can be found on the CT DPH website (<https://portal.ct.gov/DPH/Food-Protection-Program/Itinerant-Food-Vendors>)

What is an itinerant food vending establishment?

As per RCSA 19-13-B48(a)(7) "*Itinerant food vending establishment*" means a food vending business serving food or drink from any establishment or conveyance without fixed location and without connection to water supply and sewage disposal systems.

What is a temporary event?

There is no definition of a temporary event in 19-13-B42 or 19-13-B48. Temporary event has become a widely used term for scenarios where Temporary Food Service Establishments and Itinerant Food Vendors set up and sell food to the public. It can be used to describe large or small events covering one or multiple days.

What is a temporary food service establishment?

As per RCSA 19-13-B42(a)(14) "*Temporary Food Service Establishment*" means a food service establishment that operates at a fixed location, not to exceed two (2) weeks, in connection with a special recreational event, including but not limited to carnivals, fairs, festivals, celebrations, public exhibitions or other similar transitory gatherings.

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Does an itinerant food vending establishment need an additional permit/license to operate at a temporary event?

No, as long as the itinerant food vending establishment follows the procedures outlined in their original permit application AND does not alter their menu AND the scope of the event does not require them to modify standard operating procedures/practices.

Altering in this case means:

- adding new food items that the truck isn't already equipped to handle
- adding additional or new equipment outside of the truck to handle larger crowds/capacities

They also must have the ability to leave the site to address potable water supply, proper disposal of wastewater and resupplying food stuffs.

Yes, if the scope of the event presents large challenges for the itinerant food vending establishment to continue to operate in its original approved permitted state.

Challenges can include insufficient water supply, wastewater management complications, and safe storage of food stuffs for the length of the event.

Are other local permitting requirements included under this reciprocal licensing/permitting agreement?

There are many local ordinances that are not covered by the MOU, such as fire, parking, zoning, building, and other required local permits. Itinerant food vendors must comply with all local requirements to operate in towns where these other types of permits are required. Advance notification may be required for local approvals. Itinerant food vendors are responsible for contacting the local municipality to determine what permits are needed before planning to serve food there.

Does this MOU cover multi-day events such as county fairs, carnivals, and music festivals where itinerant vendors do not return to base each day?

No, these multi-day events are not covered by the MOU. Vendors must register with the event coordinator and get the necessary approvals for selling food at these events.

Does the MOU cover catering at a wedding, bar or bat mitzvah, anniversary celebration or other private, non-public event?

No, an itinerant vendor is one operating from the vehicle without fixed location and without connection to water and sewage. A caterer operates from an establishment at a fixed location in compliance with Section 19-13-B49 of the Regulations of CT State Agencies.

As per 19-13-B49 "Catering food service establishment" means a business involved in the sale or distribution of food and drink prepared in bulk in one (1) geographic location for service in individual portions at another or which involves preparation and service of food on public or private premises not under the ownership or control of the operator of such service.

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Does the local health department/ district where the itinerant food vendor plans to operate need to be contacted prior to selling food?

Yes, an itinerant food vendor has the responsibility to inform the health departments/districts where the business does not have a license/permit of the vendor's plan to sell food there. Itinerant food vendors must also reach out to the town or city to make sure that all permits are in place and learn if advance notice of intent to operate is required. Itinerant food vendors are advised to contact the Operating LHD 2 weeks prior to operating in that jurisdiction. This information will be provided to itinerant food vendors through the DPH website.

My local code says all itinerant food vendors have to be licensed by the Director of Health. Does state law supersede this?

Yes, in this case the legislation was clear that the food permit was to be reciprocal. CGS 19a-36i states that the DPH Commissioner shall collaborate with the directors of health to develop a process that allows for the reciprocal licensing of an itinerant food vending establishment that has obtained a valid permit or license under subsection (a) of this section and seeks to operate as an itinerant food vending establishment in another town, city, or borough.

Doesn't CGS section 19a-36i(a) require every place serving food or beverages to get a permit from that town?

Yes, it does. However, the CT legislature also put in place Conn. Gen. Stat. section 19a-36i(e) which requires the development of a process that allows for the reciprocal licensing of itinerant food vending establishments that have been issued a valid permit by a local health department. The specific statutory language concerning itinerant food vendors trumps the general provision concerning all food establishments.

Will Directors of Health be bringing the MOU to their Board of Health to sign off? Will the Board Chair and Director of Health sign the MOU?

The MOU has a signature line for the Director of Local Health and/or either the LHD Board Chair or the Chief Elected Official.

What about itinerant food vendors who want to attend a Brewery/Winery for the day. Does the MOU cover them?

Yes, if it meets the definition of an itinerant food service establishment the MOU covers them. Also, the vendor must use the approved menu.

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CTEDSS

How will LHDs get the applications and list of itinerant food vendors to DPH to enter into CTEDSS?

DPH will provide an Excel file template to LHDs. Once DPH receives a file from an LHD it will import it into the system. LHD staff will need to upload documents. DPH recommends for staff to get in and familiarize themselves with the system - upload attachments. The more they use it the easier it will be.

Does DPH have a form or something you would like us to use to request CTEDSS access for our food inspectors?

Yes, that form will be provided to all LHDs.

If a town does not sign the MOU, can the town still access this software and view/edit an itinerant food vendor's information in CTEDSS?

Yes, as long as you receive the training and DPH gives you permission and login credential for system.

Do LHDs have to use the model itinerant food vendor permit application form?

No, but Local Health Departments/ Districts are strongly encouraged to use the form as it allows for consistent data collection and ensures that the data needed for the DPH database is collected at the time of permitting.

What if an itinerant food vendor is permitted in multiple towns or districts? Isn't that likely to cause a lot of duplication in the list of itinerant food vendors?

The CTEDSS will be able to remove duplicate entries.

Enforcement and Fines

Can any local health department/district conduct inspections of itinerant food vendors?

Yes, a local health department/district has the authority to conduct inspections at any time when a vendor is selling food in its jurisdiction. The jurisdiction where the vendor is licensed/permitted can collect inspection fees. The Operating health departments/districts can conduct inspections but cannot collect an inspection or other fees for itinerant food vendors as specified in the MOU.

What authority do the health departments/districts have in regard to itinerant food vendors from other jurisdictions?

Local Health Departments/ Districts have broad authority to ensure that proper food safety practices are being carried out. No matter if they are licensed/permitted by another health department, local health food inspectors/directors can issue orders to hold or destroy food, if in the opinion of the inspector, such action is warranted and necessary to protect public health. Local health can also issue an order to cease operations if the health department/district determines that the itinerant food vending establishment is creating a nuisance that is injurious to public health.

What about local ordinances that do not allow open-air food trucks. What happens if we sign the MOU, and an open-air itinerant food vendor wants to come sell food where it is not permitted?

The MOU does not supersede any local ordinance so you can forbid the open-air food trucks from operating in your town. All local health departments should not allow equipment that does not meet code.

Can LHDs charge itinerant food vendors for completing the model itinerant food vendor permit application if their permit has not expired?

No, fees can only be assessed by the Permitting LHD to issue a new itinerant food vending establishment permit or for the renewal of an expiring permit.

If an Operating LHD notes food safety issues, who does the follow up? The Permitting LHD or the Operating LHD?

The LHD where the problem is discovered would follow up by making sure the problem is documented in the CTEDSS. Once in the system, the Permitting LHD can be notified via the CTEDSS of the issue and follow up as appropriate.

Who is responsible for issuing an Order if a food safety problem is noted by the Operating LHD?

The LHD where the infraction is identified is responsible for issuing orders and uploading them into CTEDSS. Both the Permitting and Operating LHDs will need to coordinate on follow up.

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Outreach to IFVs

Who is responsible for training the towns, so they know what permits are covered by the MOU and what local permits are not covered?

DPH will work with COST and CCM to provide education on what the MOU entails and that no local ordinance (e.g., parking, police, zoning permits) is superseded by the MOU. DPH will work to hold webinars for local officials to explain how the MOU will impact their towns.

Is DPH doing an educational campaign to inform itinerant food vendors?

There will be a DPH webpage for the itinerant food vendors to obtain information on which LHDs are participating and for guidance on notification requirements to local authorities prior to selling food. DPH will also work with the CT Restaurant Association to educate the itinerant food vendors' implementation of the MOU.

What does the itinerant food vendor sign to verify their understanding of what they are approved to do or not to do in a local town/city jurisdiction. For the record as per legal matters.

The itinerant food vendors are responsible for working with each town to ensure compliance with all municipal requirements. This will be part of the outreach and education to the itinerant food vendors. Each town can provide any requirements (e.g., parking, public safety, etc.) at the time the itinerant food vendors reach out to them for permit information.