

Food Establishments that Serve only Coffee or Popcorn

For many years, the Tennessee Environmental Health Program has not permitted food establishments serving only coffee or popcorn. That practice was recently reviewed and determined to conflict with the Tennessee Food Safety law and rules, which defines food establishment (in part) as:

(46) "Food Establishment" means:

(a) Any establishment, place or location, whether permanent, temporary, seasonal or itinerant, where food is prepared and the public is offered to be served, or is served, food, including, but not limited to, foods, vegetables, or beverages not in an original package or container, food and beverages dispensed at soda fountains and delicatessens, sliced watermelon, ice balls, or water mixtures. "Food establishment" includes any such places regardless of whether there is a charge for the food.

And,

(d) "Food establishment" does not include grocery stores that may, incidentally, make infrequent casual sales of uncooked foods for consumption on the premises, or any establishment whose primary business is other than food service, that may, incidentally, make infrequent casual sales of coffee or prepackaged foods, or both, for consumption on the premises. For the purposes of this subparagraph, infrequent casual sales means sales not in excess of one hundred fifty dollars (\$150) per day on any particular day;

The definition of food establishment in § 68-13-7 is clear that any food establishment preparing and serving foods or beverages to the public must comply with the requirements of the food establishment law and rules, including permitting. This applies to permanent, mobile, and temporary establishments.

Part (d) of the definition means that any establishment where the primary business is not food service (such as banks, retail stores, car dealerships, auto shops, etc.) that may provide coffee or prepackaged foods do not meet the definition of a 'food establishment' and therefore do not need a permit.

We will begin permitting establishments that prepare and serve only coffee or popcorn on January 1, 2022. If you operate a food business limited to preparing and serving coffee or popcorn, you should reach out to the Environmental Health Specialist at your local county health department or email GEH.health@tn.gov and we will be glad to assist you with the information you need to obtain a permit.