**Food Safety and Sanitation** **UPPS No. 04.05.18**

**Issue No. 1**

**Effective Date: 08/17/2021**

**Next Review Date: 10/01/2025 (E4Y)**

**Sr. Review: Director, Environmental, Health, Safety, Risk and Emergency Management**

**POLICY STATEMENT**

*Texas State University is committed to maintaining food service operations on campus in a manner that ensures safety and sanitation.*

**01. SCOPE**

01.01 Texas State University recognizes the important role of safety in food service activities on our campuses. All food service operation on campus shall adhere to the listed requirements in the [Texas Food Establishment Rules (TFER)](https://www.dshs.texas.gov/foodestablishments/laws-rules.aspx). All food service operations that occur on Texas State property are subject to inspection by Environmental, Health, Safety, Risk and Emergency Management (EHSRM).

01.02 Sanitary conditions shall be maintained on Texas State property to ensure protection of human health and the environment. General sanitation may include, but is not limited to, food service areas, public restroom facilities, drinking water, wastewater, solid waste disposal, pest control, and general cleanliness. This policy outlines general sanitation procedures for food service areas.

01.03 All food served on Texas State property shall be handled in accordance with the TFER. These regulations were designed to prescribe practices and procedures to prevent foodborne illnesses and can be found in the [25 Texas Administrative Code (TAC) Chapter 228.](https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=4&ti=25&pt=1&ch=228)

01.04 This policy applies to all food service operations that occur on Texas State property, including food preparation and food service activities that are considered open to the general public.

01.05 This policy does not apply to purchases of food and beverage for personal consumption or food service activities that occur on Texas State property and are closed to the general public, such as those hosted privately by a student organization or university department, private tailgate parties, cook-outs, picnics, potluck dinners, or other similar activities.

01.06 EHSRM is responsible for monitoring food service operations that occur on Texas State property. EHSRM will coordinate with university departments, as appropriate, to ensure compliance. Departments involved may include but are not limited to:

1. Student Involvement;
2. LBJ Student Center Conference Services;
3. Campus Recreation; and
4. Auxiliary Services.

**02. PURPOSE**

02.01 The purpose of this policy is to establish standards for preparing and serving food to prevent the spread of foodborne illness, protect human health, and promote safe practices for food served to the general public. Food service operations that are required to adhere to this policy may include, but are not limited to:

1. temporary food service operations;
2. dining hall food service activities;
3. convenience stores or snack bars;
4. mobile food vendors;
5. catering activities; and
6. other food service operations not listed above.

**03. DEFINITIONS**

03.01 Food Establishment – an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption.

03.02 Foodborne Illness – also referred to as foodborne disease or food poisoning, is any illness resulting from the consumption of contaminated food, pathogenic bacteria, viruses, or parasites that contaminate food as well as chemical or natural toxins.

03.03 General Public – includes any group consisting of faculty, staff, students, and campus visitors.

03.04 Packaged Food – bottled, canned, cartoned, bagged, or wrapped, whether in a food establishment or in a food processing plant (e.g., candy bars, bags of chips, granola bars, bottled water, etc.). It does not include food wrapped or placed in a carry-out container to protect the food during service or delivery to the consumer by a food employee upon consumer request.

03.05 Private Events – events or activities hosted by departments or student organizations that are closed to the general university community. Private events or activities are not openly advertised to the university community and may be invite-only or open only to members of the organization or department. Private events may include but are not limited to: private tailgate parties, cook-outs, picnics, potluck dinners, or other similar events that are not open to outside members or the general public.

03.06 Public Events – events or activities that are open to the general university community and can be accessed by the general public. Public events or activities may be advertised openly to the university community (directly or indirectly) and can be free or have a paid admission fee. Public events may include but are not limited to: food distribution in common spaces or open areas (e.g., the Quad, Bobcat Trail, building lobbies, etc.), fairs or festivals, events with open invitations, sporting events, or other similar events where food is served to the general public.

03.07 Ready-to-Eat (RTE) – food in a form that is edible without additional preparation to achieve food safety. Examples include whole uncut fruits, cut fruits or vegetables, deli meats and cheese, baked goods, or other foods that do not require cooking or have already been cooked.

03.08 Temporary Food Establishment (TFE) – a food establishment that operates for a period of no more than 14 consecutive days in conjunction with a single event or celebration. On university property, TFEs may not operate for more than 10 university days per month, per [UPPS No. 07.04.03](https://policies.txstate.edu/university-policies/07-04-03.html), Solicitation on Campus.

03.09 [Texas Food Establishment Rules (TFER)](https://www.dshs.texas.gov/foodestablishments/laws-rules.aspx) – a comprehensive set of rules for the regulation of food establishments in Texas. These rules are based in part upon the [Code of Federal Regulations (Title 2), Food and Drugs (Part 1 – 1499)](https://ecfr.federalregister.gov/current/title-21) and the [Health and Safety Code (Chapter 437)](https://statutes.capitol.texas.gov/Docs/HS/htm/HS.437.htm).

03.10 Time or Temperature Controlled for Safety Food – food that requires time or temperature controlled for safety to limit pathogenic microorganism growth or toxin formation, formerly referred to as potentially hazardous food (PHF).

**04. TEMPORARY FOOD ESTABLISHMENT PERMITTING PROGRAM**

04.01 EHSRM is responsible for monitoring food protection practices and preventing the spread of foodborne illness on campus, specifically at temporary food service operations. TFEs must be permitted through EHSRM to serve food on university property.

04.02 Organizations or departments that intend to serve food to the general public (for free or for sale) must submit a [TFE Permit Application](https://gato-docs.its.txstate.edu/jcr:a158428f-47a9-4a58-8a75-c8747f6cffeb/Temporary%20Food%20Establishment%20Permit%20Request%20Application.pdf) to EHSRM.

1. The [TFE Permit Application](https://gato-docs.its.txstate.edu/jcr:a158428f-47a9-4a58-8a75-c8747f6cffeb/Temporary%20Food%20Establishment%20Permit%20Request%20Application.pdf) and additional information can be found on the [Food Safety page on the EHSRM website](https://www.fss.txstate.edu/ehsrm/programs/food.html).
2. At least one representative of the organization or department must have a valid Texas Food Handler Certification. Representatives must be present at all times during the food service operation. An organization or department may choose to have more than one representative with a Texas Food Handler Certification in attendance at the event.
3. Foods served at a TFE must be either prepared or cooked on-site (at the on-campus event), prepared at a licensed food service establishment (e.g., a restaurant), or prepared or cooked at a store (e.g., H-E-B) and purchased for re-sale. With limited exception, serving food cooked or prepared at home is prohibited. Serving packaged food does not require an approved TFE.
4. If the requesting organization or department is using a licensed vendor or restaurant to supply the food, one of the following forms of documentation must be submitted in addition to the [TFE Permit Application](https://gato-docs.its.txstate.edu/jcr:a158428f-47a9-4a58-8a75-c8747f6cffeb/Temporary%20Food%20Establishment%20Permit%20Request%20Application.pdf):
5. retail food permit (e.g., City of San Marcos Fixed Food Establishment Permit); or
6. certificate of liability insurance.

04.03 [TFE Permit Applications](https://gato-docs.its.txstate.edu/jcr:a158428f-47a9-4a58-8a75-c8747f6cffeb/Temporary%20Food%20Establishment%20Permit%20Request%20Application.pdf) (as well as any required supporting documentation) must be submitted to [ehs@txstate.edu](mailto:ehs@txstate.edu) at least 10 business days prior to the event. If additional information is needed to process the request, the requesting organization or department will be notified.

04.04 Once the [TFE Permit Application](https://gato-docs.its.txstate.edu/jcr:a158428f-47a9-4a58-8a75-c8747f6cffeb/Temporary%20Food%20Establishment%20Permit%20Request%20Application.pdf) has been received, EHSRM will issue a written response (approval or denial of the permit) within 10 business days.

1. If the [TFE Permit Application](https://gato-docs.its.txstate.edu/jcr:a158428f-47a9-4a58-8a75-c8747f6cffeb/Temporary%20Food%20Establishment%20Permit%20Request%20Application.pdf) request is approved, the organization or department may serve food on university property, pending approval from Student Involvement.

1. If the [TFE Permit Application](https://gato-docs.its.txstate.edu/jcr:a158428f-47a9-4a58-8a75-c8747f6cffeb/Temporary%20Food%20Establishment%20Permit%20Request%20Application.pdf) request is not approved, EHSRM will contact the organization or department to provide information on why their request was denied. EHSRM may also provide recommendations to safeguard public health.
2. If the student organization or university department chooses to move forward with one or more of the EHSRM recommendations, they may re-submit their [TFE Permit Application](https://gato-docs.its.txstate.edu/jcr:a158428f-47a9-4a58-8a75-c8747f6cffeb/Temporary%20Food%20Establishment%20Permit%20Request%20Application.pdf) request for review.

04.05 Submitting a [TFE Permit Application](https://gato-docs.its.txstate.edu/jcr:a158428f-47a9-4a58-8a75-c8747f6cffeb/Temporary%20Food%20Establishment%20Permit%20Request%20Application.pdf) does not confirm a space reservation on university property. Reservation forms, solicitation requests, or other documentation must be submitted to the appropriate departments as applicable.

04.06 The student organization or university department assumes all liability for injury or illness associated with the consumption of food or beverages provided by the student organization or university department.

04.07 The student organization or university department shall assume responsibility for cleaning up the reserved area once the event is over, including areas where grills were used.

**05. RETAIL FOOD ESTABLISHMENTS**

05.01 The university’s food service contractor (hereinafter referred to as contractor) retains food service priority for serving food in retail food establishments or retail food stores on Texas State property. Examples of retail or fixed food establishments may include:

1. dining halls;
2. restaurants (chain or national brands);
3. food kiosks or snack bars;
4. convenience stores;
5. banquet areas; and
6. concession areas.

05.02 Contractors must obtain permit coverage through the Texas Department of State Health Services (TxDSHS). Contractors are responsible for renewing retail food establishment permits through TxDSHS and updating permit information as necessary.

05.03 Contractors are responsible for complying with all requirements in the [TFER](https://www.dshs.texas.gov/foodestablishments/laws-rules.aspx) and maintaining appropriate certifications for food handlers and certified food managers.

05.04 Retail food establishments will be inspected by TxDSHS at a frequency determined by the state. If issues or deficiencies are noted during an inspection, contractors are obligated to address the issue in a timely manner.

05.05 In addition to routine inspections performed by TxDSHS, retail food establishments may also be subject to random inspections or complaint investigations by EHSRM at any time.

**06. MOBILE FOOD UNITS**

06.01 Mobile Food Units (hereinafter referred to as food trucks) are not allowed on Texas State property without approval from the President’s Cabinet. Prior to approval, food trucks must be sponsored by a university department and will be reviewed on a case-by-case basis. With limited exception, food trucks are only allowed on the perimeter areas of campus.

06.02 Upon receiving approval from the President’s Cabinet, the sponsoring department must coordinate with EHSRM.

06.03 Prior to serving food on campus, documentation must be submitted for review and approval by EHSRM to obtain a food truck permit. Applicable documentation that may be requested by EHSRM includes but is not limited to:

1. current permit to operate a food truck within the City of San Marcos, Hays County, or equivalent local jurisdiction;
2. copy of recent food safety inspection;
3. copies of Texas Food Handler Certifications for employees; and
4. copy of Certified Food Manager Certification for manager.

06.04 After documentation has been reviewed and approved by EHSRM, food trucks may be subject to random inspections or complaint investigations by EHSRM.

**07. OTHER FOOD ESTABLISHMENTS**

07.01 Other food service operations that occur on university property are covered by this policy. These operations are subject to random inspection or complaint investigation by EHSRM. In some cases, these operations may require proof of training, permitting from other jurisdictions, or other documentation. These operations include but are not limited to:

1. concessions;
2. food pantry; and
3. catering operations.

**08. INSPECTIONS**

08.01 EHSRM shall investigate complaints involving food safety and general sanitation issues and will work with responsible parties to correct the compliance issues.

08.02 EHSRM reserves the right to perform unannounced, random inspections of food preparation areas and facilities to ensure compliance with this policy. If these requirements are not or cannot be met and the infractions result in a risk to public health, EHSRM or Student Involvement may require an organization to discontinue the food service activity.

**09. REVIEWERS OF THIS UPPS**

09.01 Reviewers of this UPPS include the following:

Position Date

Director, Environmental Health, October 1 E4Y

Safety, Risk and Emergency

Management

Director, LBJ Student Center October 1 E4Y

Director, Auxiliary Services October 1 E4Y

**10. CERTIFICATION STATEMENT**

This UPPS has been approved by the following individuals in their official capacities and represents Texas State policy and procedure from the date of this document until superseded.

Director, Environmental Health, Safety, Risk, and Emergency Management; senior reviewer of this UPPS

Vice President for Finance and Support Services

President