



Food License Permit Category

Retail Food Establishment not serving meals Vs. serving meals

To determine which retail food establishment license you need, first decide if you are preparing, serving, or selling, primarily meals or primarily other food items that are not meals. Wisconsin Administrative Code, Chapter ATCP 75.103(3m), defines a meal as:

“Meal” means any ready-to-eat food served or sold to the public in individual or prepackaged single portions or servings for immediate on-premises consumption or transported off-premises in individual prepackaged carryout servings for immediate consumption, or specifically preordered individual or multiple serving portions which are transported to an off-premises location for immediate consumption.

“Meal” includes but is not limited to sandwiches, individual portions of cured and pickled food sold from bulk containers, hard boiled eggs, hot ready-to-eat soup, or raw or cooked processed foods sold or served in individual portions.

*“Meal” **does not** include soft drinks, ice cream, milk, milk drinks, coffee, tea, ices, confections, pastry items, or food items sold by the weight, count, or piece in individual packages which require further preparation for consumption at another location.*

If you prepare, serve or sell 51% or more meal items, you apply for a **Serving Meals license**.

If you prepare, serve or sell 51% or more of non-meal items, you apply for a **Not Serving Meals license**.

Mobile food establishments: If you prepare, serve, or sell **any** meal items you must apply for a Retail Food Establishment – Serving Meals license. Unless you are applying for a variance to not have a service base; meaning all products, processing, storage, and equipment will be kept on the mobile unit, you will need a service base license.

Prepackaged TCS: A retail food establishment that only prepares individually wrapped, single food servings, which are packaged off-premises by a licensed processor. On premise activity is limited to heating and serving, for example - whole frozen pizzas. If this is the extent of your food service, your annual permit category is Prepackaged TCS and you do not need to complete the chart below.

Please review Wis. Admin. Code § ATCP 75.08 for specific rule language regarding permit category assignment.

Retail Food Establishment - Serving Meals

Retail food establishments serving meals are placed into four categories based on food safety risks: Prepackaged TCS, Simple, Moderate and Complex. *Simple, Moderate and Complex* categories use a point system to determine the license complexity category. Use the chart below to calculate your license complexity category.

Establishment has a self-service salad bar or food bar. Does not include condiments, bakery or toppings.	1
Establishment processes fresh or frozen raw poultry, meat, seafood, or eggs.	1
Establishment operates using a variance or HACCP plan.	1
Establishment operates using a Bare Hand Contact or Time as a Public Health Control Plan.	1
Establishment offers catering or pre-ordered meals in bulk quantity for events.	1
Establishment cold holds, hot holds, or reheats time/temperature control for safety (TCS) foods.	1
Establishment does cooling of cooked or reheated time/temperature control for safety (TCS) foods.	1
Establishment wholesales foods that requires refrigeration.	1
Establishment chops, dices, mixes, slices, blanches, boils, cooks, packages, or assembles product.	1
Establishment has an additional area(s), other than the main kitchen, where food preparation activities occur.	1
Establishment prepares food specifically for a highly susceptible population, such as a nursing home or day care.	1
Establishment has a customer seating capacity greater than 75 or has a drive-through window.	1

TOTAL: _____

<input type="checkbox"/> 0-2.5 Points= Simple	<input type="checkbox"/> 2.75-4.5 Points= Moderate	<input type="checkbox"/> Greater than 4.5 points= Complex
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Retail Food Establishment – Not Serving Meals

Table 1: Annual Sales Volume Information- Check One

Establishment has annual gross food sale receipts less than \$25,000.	0.25
Establishment and has annual gross food sale receipts more than \$25,000 but not more than \$1,000,000.	0.5
Establishment has annual gross food sale receipts more than \$1,000,000 but not more than \$5,000,000.	1
Establishment has annual gross food sale receipts more than \$5,000,000.	2

Table 2: Risk Complexity Calculation- Check All That Apply

Establishment has a self-service salad bar or food bar*. Does not include condiments, bakery or toppings.	1
Establishment processes fresh or frozen raw poultry, meat, seafood, or eggs.	1
Establishment operates using a variance or HACCP plan.	1
Establishment operates using a Bare Hand Contact or Time as a Public Health Control Plan.	1
Establishment offers catering or preordered meals in bulk quantity for events.	1
Establishment cold holds, hot holds, or reheats time/temperature for safety foods.	1
Establishment does cooling of cooked or reheated time/temperature control for safety foods.	1
Establishment wholesales foods that requires refrigeration.	1
Establishment chops, dices, mixes, slices, blanches, boils, cooks, packages, or assembles product.	1
Establishment has an additional area(s), other than the main kitchen, where food preparation activities occur.	1
Establishment prepares food specifically for a highly susceptible population, such as a nursing home or day care.	1
Establishment has a customer seating capacity greater than 75, or has a drive-through window.	1

Calculation Instructions – Add all points from Table 1 and Table 2 to determine complexity **TOTAL:** _____

<input type="checkbox"/> 0-2.5 Points= Simple	<input type="checkbox"/> 2.75-4.5 Points= Moderate	<input type="checkbox"/> Greater than 4.5 points= Complex
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