

## BASIC REGULATORY REQUIREMENTS

Additional guidance and regulations for starting a food business are available on the GDA website. Summary points of requirements are included here for reference:

- All food sales establishments must obtain a license from the Commissioner of Agriculture.
- All corporations must be registered with the Georgia Secretary of State; and food processors, packers & storage facilities are required to register with the U.S. Food & Drug Administration.
- If a firm leases space within a food service facility that is permitted by the Health Department, the firm must have a letter from the Health Department stating that dual licenses are allowed.
- Shared-Time/Community Kitchens are also available for leased kitchen space. The owner(s) of the facility must obtain a license as well as each individual using the kitchen. The kitchen facility, its owner(s) and all additional users will fall under regulatory inspection by the GDA.
- Inspections will be conducted as often as the GDA deems necessary to ensure compliance with the state's regulations, and at a minimum established by GDA directives.
- Retail-specific requirements:
  - \* At least one employee with supervisory responsibilities at a firm must be a Certified Food Protection Manager. (Firms with minimal risk are exempt, but will still have to demonstrate knowledge of the regulation requirements.)
  - \* Variances to Georgia's basic regulatory requirements may be requested in writing to the GDA and will be at the discretion of the Food Safety Division Director, a Program Manager, or their designee.

**Additional requirements may apply to an individual facility, based on the type(s) of food operations conducted at an establishment.**



**GDA— [www.agr.georgia.gov](http://www.agr.georgia.gov)**

Documents available in PDF: General Rules, Basic Regulatory Requirements, Guidelines For Food Products Sold At Events Sponsored By Non-Profit Organizations, License Applications, Mobile Food Vehicle Regulations and more. Recall announcements for Georgia are also posted here.



**FDA — [www.fda.gov](http://www.fda.gov)**

Additional information and the 21 CFR 101 (labeling regulations) can be found on their website, including a small business exemption form for the Nutrition Facts Labeling Requirement.



**USDA — [www.usda.gov](http://www.usda.gov)**

Additional information about labeling can be found on their website. They have information about the WIC Program, Organics, Country of Origin Labeling, and Food Safety Q & A (*Ask Karen*). Recall announcements concerning meat, poultry, and egg products are posted on their website.



**UGA Department of Food Science  
& Technology— [www.efsonline.uga.edu](http://www.efsonline.uga.edu)**

Offers information on Nutrition Labeling, Process Approval (Acidified/Low-Acid Foods), Food Safety Publications, and a calendar with upcoming courses on "Starting A New Food Business" in Georgia.

# Starting a Food Business in Georgia



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## Starting a Food Business

### GETTING STARTED

When you decide to start a food business, the first issue that must be considered is licensing. Is the establishment going to be **FOOD SERVICE** or **FOOD SALES**? Food service operations (e.g., restaurants, caterers, school cafeterias, etc.) are regulated by local health departments. Food sales establishments are regulated by the Georgia Department of Agriculture (GDA). **The Georgia Food Act** requires anyone who intends to operate a food sales establishment in the state of Georgia to obtain a license from the GDA. *The only exemption to a licensing requirement is for food sold at non-profit events.\**

### COTTAGE FOODS

Georgia also has a **Cottage Food program**, which licenses people who operate from a home kitchen with direct sale to the end user (consumer). Learn more in our *Cottage Food Brochure* and be sure to **check with local planning and zoning** to ensure you can operate a business from a home residence. The GDA will license your operation under the Georgia Cottage Food regulations.

### FACILITIES

There are basic facilities required for establishments, regardless of where you intend to operate (retail store or shared kitchen):

- A three (3) compartment sink is required for cleaning, hand washing sinks must be conveniently located to the processing areas and in the restroom, and a mop sink is required to dispose of mop water;
- A restroom must be available for employees to use;
- Sewage must be conveyed through an approved

public or individual disposal system,

- Floors, walls, and ceilings must be smooth and easily cleanable and the facility should be free of pests and their possible points of entry;
- Water must be from an approved source (public water systems are sufficient, the GDA will test private water sources prior to licensing);
- Hot water supply must be adequate to meet the peak demands of the establishment, and plumbing shall be designed, constructed, and installed according to local codes,
- Counties and municipalities may require grease traps, and should be consulted prior to licensing,
- Equipment for hot and cold holding shall be of sufficient size and capacity to ensure that cold foods are held at 40°F or colder and hot foods are held at 135°F or hotter; and
- Freezers must maintain food in a frozen state, hard to the touch.

### FOOD

Food must be of sound condition and safe for human consumption, and obtained from approved sources. Food prepared in an unlicensed facility must not be used or offered for sale in a food establishment. Rooms used to store food must not be used for living quarters.

### LABELS

Food must be labeled according to the Code of Federal Regulations, 21 CFR 101. Label reviews should be conducted by the GDA prior to distributing a product, and any time there is a fundamental change made to a previously approved label (*see the **Links** section for more on labeling*).

### LICENSING

The Food Sales Establishment License application form is available on the GDA website. It can also be faxed, mailed or emailed to you. Prior to licensing, a notarized affidavit and proof of U.S. citizenship is required. There is an annual licensing fee; depending on the risk category of the establishment/products, the fee ranges from \$100 to \$300. The food license is renewed annually beginning July 1. (Note that proof of licensing may be required by your county or municipality before issuance of a business license, or a beer and wine license.) Contact information for the District Office nearest you may be found on the GDA Food Safety Division website, under "District Offices."

### BUSINESS PLAN REVIEW

Business plan reviews are required in order to determine whether the firm requires licensing from the GDA, if the firm's operations are within the scope of GDA regulations, and that the facilities provided are adequate for the food that is being produced and/or sold on the premises.

### \*FOOD SOLD AT NON-PROFIT EVENTS

The only exemption to a licensing requirement is for food sold at non-profit events. The foods must be generally recognized as safe, "non-potentially hazardous" products, produced in a domestic kitchen. The event must be sponsored by a 501(c)3 organization. Products should be labeled with a common product name, ingredients statement, and the name and address of the manufacturer. Foods **NOT** allowed under the exemption include: **Dairy or meat products, eggs, organic food, and acidified/low-acid foods**; a list of acceptable products may be found on the GDA website.