

3717-1-02

**Determination of the primary business of a facility for purpose of licensure.**

- (A) When the activities of a ~~retail food establishment~~ food service operation and a ~~food service operation~~ retail food establishment are carried on within the same facility by the same person or government entity, the licensor shall determine whether the person or government entity must be licensed as a ~~retail food establishment~~ food service operation or ~~food service operation~~ retail food establishment according to the primary business of the person or government entity.
- (B) The licensor shall consult with the person or government entity to obtain the necessary information about whether:
- (1) The facility's food service operation sales volume is greater than its retail food establishment sales volume, in which case its primary business is a food service operation; or
  - (2) The facility's retail food establishment sales volume is greater than its food service operation sales volume, in which case its primary business is a retail food establishment.
  - (3) When sales volume information does not exist, the licensor shall determine the primary business in consultation with the person or government entity based on the anticipated sales volume.
- ~~When sales volume information does not exist, the licensor shall determine the primary business in consultation with the person or government entity based on the anticipated sales volume.~~
- (C) If the licensors of a food service operation and a retail food establishment are not the same, the licensors shall jointly determine the primary business in consultation with the person or government entity.

Effective: 3/1/2019

Five Year Review (FYR) Dates: 11/13/2018 and 01/28/2024

CERTIFIED ELECTRONICALLY

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Certification

01/28/2019

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Date

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