

HOW TO START A FOOD BUSINESS

Public Health Division | Food & Lodging | 1720 Burlington Drive, Suite A | Bismarck, ND 58504-7736 | hhs.nd.gov | 701-328-1291

STEPS TO STARTING A FOOD BUSINESS

Are you interested in starting a food business in North Dakota? Detailed steps can be found at <https://www.hhs.nd.gov/health/food-and-lodging/food-and-beverage-establishments/start-food-business>. Below is a summary of the steps to starting a food business.

1. Determine the License Type Needed

Food business license types are divided into three categories. If your food business operates within multiple categories, a multiple-establishment license may be issued for your food business.

- **Food Processor** – an establishment that processes, manufactures, packages, labels, and/or stores food and drink products and sells these products to other businesses (wholesale) who then sell the products to the end consumer
- **Retail Food Service (Bar/Tavern, Restaurant/Catering, Limited Restaurant, Mobile Food Unit, Temporary Food Stand)** - an operation that stores, prepares, serves, or otherwise provides food for sale to the end consumer
- **Retail Food Store (Grocery Store, Convenience Store, Bakery, Meat Market)** – an establishment selling packaged food products that require time and temperature control for safety (TCS) or a license holder processing and packaging foods for sale to the end consumer; may include stand-alone freezers, refrigerated or freezer vehicles



2. Determine the Regulatory Jurisdiction of the Food Business

Food Processing: The North Dakota Department of Agriculture Dairy and Meat Inspection Program has jurisdiction over food businesses that process meat, poultry, in-shell eggs, dairy and dairy products, and catfish in the state. More information can be found at <https://www.ndda.nd.gov/> and <https://www.fsis.usda.gov/>.

The FDA has jurisdiction over large food processing plants, imported food products, online food sales, food products, and ingredients shipped over state lines. Contact the FDA for guidance at <https://www.fda.gov/food/guidance-regulation-food-and-dietary-supplements/registration-food-facilities-and-other-submissions>

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Retail Food Service and Retail Food Stores: Eight local public health units have Regulatory Authority and provide the inspection and licensing of food businesses within their respective areas of jurisdiction. Find jurisdiction details at <https://www.hhs.nd.gov/health/food-and-lodging/food-and-lodging-areas-jurisdiction>. North Dakota Health and Human Services Food and Lodging Unit covers all remaining areas of the state not served by a local health unit.

3. Contact the Local Planning and Zoning Office

Before the investment, application, and construction of your food business, contact the applicable planning and zoning office in your city, township, or county to determine and prepare for the local requirements. You may also need to contact the Secretary of State Office at <https://sos.nd.gov/business/business-services.html>, Office of State Tax Commissioner: <https://www.tax.nd.gov/new-businesses-and-contractors>, and Attorney General's Office: <https://attorneygeneral.nd.gov/licensing-and-gaming/licensing/>.

4. Submit License Application and Plan Review for Approval

Submit the license application, floor plan and specifications, proposed menu, and equipment list to be reviewed by the Regulatory Authority before construction and/or change of ownership.

5. Written Plan Approval, Certifications, and Permits from Applicable Agencies

Once the license application and plans are reviewed, you will either receive written approval from the Regularity Authority or be informed of any necessary changes or actions. Construction or remodeling work can now begin and should be completed as submitted in approved plans. Appropriate inspections, certifications, or permits for the building, fire, electrical, plumbing, drinking water, and wastewater systems will be obtained to ensure that your business is compliant with applicable code requirements.

6. Pre-operational Inspection Before License Approval and Operation

At least 10 days before operating, contact your Regulatory Authority to schedule a pre-operational inspection. During the pre-operational inspection, the inspector will determine if your business is ready to be licensed based on this inspection. Once approved, the license is sent and must be displayed where it is easy for the public to see.

If you have completed all the steps to starting a food business, congratulations! You are now a licensed food establishment and ready to begin your operation.

