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THIS POLICY REPLACES THE POLICY ISSUED ON JULY 1, 2002

DATE: August 23, 2013

TO: State Inspection Staff
Agent Health Departments

FROM: James Kaplanek
Chief
Food Safety and Recreational Licensing
Bureau of Environmental and Occupational Health

SUBJECT: Explanation of Policies Regarding Churches That Are Considered “Special Organization Serving Meals”

Introduction

One of the issues is that some churches that serve meals to the general public believe they are exempt from licensing. The logic behind this belief is that both Ch. 254 and s. DHS 196 contain this exemption from the definition of a restaurant:

(b) Churches; religious, fraternal, youths’ or patriotic organizations, service clubs and civic organizations that occasionally prepare, serve or sell meals to transients or the general public.

The key lies in the word “occasionally.” Remove that word and these organizations could be in direct competition with restaurants, but with no oversight or licensing activity. Therefore, “occasionally” is defined in DHS 196.03 (4f) as:

“Occasional” means not more than 3 days during any 12-month period.

The department also has a special organization license that allows an organization to operate between 4 and 12 times a year, with limited requirements for commercial food equipment.

DHS 196.03 (6) **“Special organization serving meals”** means a food establishment licensed under 254.64, operated by a church or a religious, fraternal, youth or patriotic organization or a service club or civic organization that prepares, serves or sells meals to which members of the general public are invited, for at least 4 but not more than 12 days during any 12-month period. “Meals”, as used in this subsection, does not include a meal that is incidental to normal activities intended exclusively for members of the particular special organization nor does it include a

meal served in conjunction with a church worship service, such as a funeral or wedding or to persons who attended that service.

If any of these organizations wish to serve meals to the public more than 12 days in a year, they are subject to licensing as a regular restaurant and must meet all the provisions of the food code.

Specifics

A list of typical activities was presented to the department for comment.

Event	Where Prepared	Department Response
Meals for the Needy (Soup Kitchen, Homeless Shelter)	Church	Food for the needy is exempt from regulation and licensing. Local and State inspectors are encouraged to offer advice, literature, etc.
Meals on Wheels	Church	Requires license to operate.
School Lunch	Church	Covered by DPI MOU
Funeral Meals	Church	Exempt
Weddings	Church or Home	Exempt, if the private group is doing their own food service for their invited guests and is just using the church building and the event is not open to the general public.
Anniversary Meals	Church or Home	Exempt, if private group is doing their own food service for their invited guests and is just using the church building and the event is not open to the general public.
Various Showers and Celebrations	Church or Home	Exempt, if private group is doing their own food service for their invited guests and is just using the church building and the event is not open to the general public.
Fund Raisers	Church	If only for church members, i.e., right after a religious service, exempt. If open to the public as well, then licensable if beyond the 3-day exemption.
Bake Sales	Church or Home	Exempt as long as bakery is not potentially hazardous.
Lenten Meals	Church	These events are designed primarily for members but also attended by members of the general public and if in conjunction with a worship service are exempt.
Church Meals	Church	Exempted as long as this event is not advertised or designed as an outreach event and is in conjunction with a worship service.
Brat Fries at Local Stores	Onsite or at the Church	This is a fund raiser to the general public serving potentially hazardous foods. Licensed, if beyond the 3-day exemption.
Friday Fish Fry's	Church	Licensed as a restaurant if beyond the 3-day exemption.