



Missouri Department of Health and Senior Services

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
Sarah Willson
Acting Director


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Governor

Informational Release RFP25-03

TO: Local Public Health Agency Administrators
Local Public Health Agency Environmental Health Specialists
Bureau of Environmental Health Services Environmental Health Specialists

THROUGH: Dusty Johnson, Chief, Bureau of Environmental Health Services 

THROUGH: Mark Jenkerson, Program Operations Manager, Bureau of Environmental Health Services 

FROM: Paige Anderson, Retail Food Program Manager, Bureau of Environmental Health Services 

SUBJECT: Foods Under Exemption for Retail Sale

DATE: May 2, 2025

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In the Missouri Food Code (19 CSR 20-1.025) under the definition of “Food Establishment” is an allowance for foods meeting specific conditions to be sold, sampled, or served without being inspected by the Department of Health and Senior Services (DHSS) or Local Public Health Agencies (LPHAs). This exemption is limited to where local ordinances allow. DHSS continues to receive many inquiries on a regular basis whether various food items fall under this exemption. While DHSS addressed these questions for freeze dried foods in a recent technical bulletin, it is not feasible to do this for every food item or process in which an inquiry is received. Instead, DHSS has developed a decision tree that state and local inspectors can utilize to make this determination for many products on their own. The guide does not encompass every food item or every process that is out there, but does facilitate the use of logic and food safety principles to be applied consistently when determining if a food item could fall under inspection exemption.

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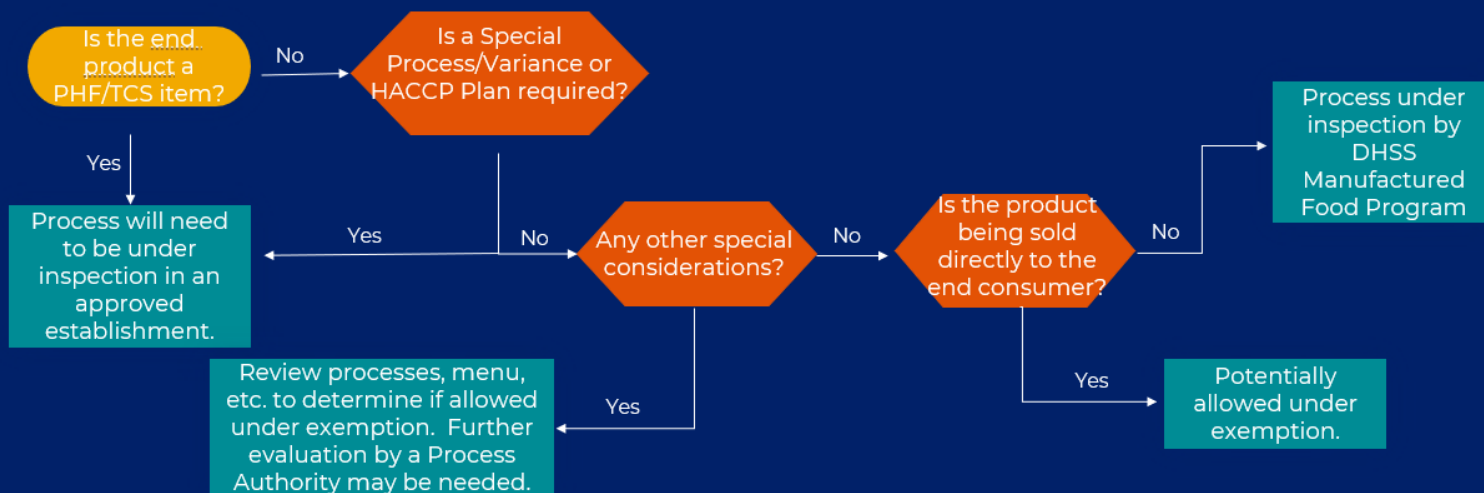
The Missouri Department of Health and Senior Services' vision is optimal health and safety for all Missourians, in all communities, for life.

If you have further questions or concerns about a food item or process, reach out to your Bureau of Environmental Health Services regional staff for assistance. If your local ordinances do not allow for this exemption, please follow your internal policies and procedures.

Additional questions you may want to ask while determining if a food item falls under exemption:

- What preparation methods are being used?
- Is the operator packaging the product? If so, what kind of packaging is being used?
- If the product is packaged, is an oxygen absorber being used? If so, is it food grade?
- Is this type of product or process known to be associated with foodborne illness outbreaks?

Exempted Food Items Decision Tree



MISSOURI DEPARTMENT OF
**HEALTH &
SENIOR SERVICES**

This decision tree is for foods under exemption as stated in the Missouri Food Code under the definition of "Food Establishment." Follow your local policies and procedures if your local ordinance does not allow for this exemption.

Have further questions or concerns? Contact your Bureau of Environmental Health Services regional staff for assistance.

Food items that fall under 196.298 RSMo (Cottage Law) do not apply to this decision tree.

Additional resources:

- 1-201.10(B) Decision Tree #1 – Using pH, aw, or the interaction of pH and aw to Determine if a Food Requires Time/Temperature Control for Safety. [2022 FDA Model Food Code](#) Annex 3 Public Health Reasons/Administrative Guidelines page 3-10.
- [Job Aid: Time and Temperature Control for Safety Foods](#), FDA
- [Missouri Home-Based Kitchen Food Production Guidance document](#).
- [Evaluation and Definition of Potentially Hazardous Foods](#), IFT/FDA

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