

Licensing Guidelines for Prepared Meals & Other Products Containing Meat and Poultry



What is the purpose of this guideline? Many businesses are interested in preparing meals, entrees, and other food items that contain meat or poultry. The rules, exemptions, and licensing requirements for meat and poultry in Vermont are complex and can be confusing. This guideline highlights when a food processing business is required to hold a license issued by the Vermont Agency of Agriculture, Food & Markets (VAAFM) for meat or poultry processing and what type of license they will need.

Who is this guideline designed for? This guideline is designed for any person or business wanting to prepare food products that contain meat or poultry in Vermont. It will be especially helpful for businesses that are operating under a meat or poultry processing exemption including:

- Restaurants or caterers who prepare ready-to-eat (RTE) meals and entrees for sale to consumers.
- Retail stores that make sales directly to consumers
- Businesses that are a combination of a retail store and restaurant
- Restaurants, caterers, or retailers wishing to expand sales of RTE meals, entrees, or other meat or poultry containing food products by distributing to other businesses for resale.

What is considered a meat or poultry food product? A food product is amenable (qualifies as a meat or poultry food product) if it contains greater than 2% cooked or 3% raw meat or poultry. This includes but is not limited to wraps, burritos, meat pies, soups, dumplings, quiche, empanadas, lasagnas and other meals or entrees containing meat or poultry. There are several exceptions to this rule, the most notable being a closed-face sandwich containing meat or poultry and poultry broth. For more information on what qualifies as a meat or poultry product please see the section labeled "Amenability" on page 10 in the USDA 2005 [*Food standards and labeling policy book*](#).

When is my restaurant, catering operation, or retail store exempt from daily inspection requirements by VAAFM for meat processing? Under the [Federal Meat Inspection Act \(FMIA\)](#), and [6 V.S.A Chapter 204](#), daily inspection is required in all businesses where meat and poultry products are processed for sale as articles of commerce, unless an exemption from inspection applies. There are two exemptions where meat and poultry food products can be processed outside of inspection and still be offered for sale: The restaurant/catering exemption and the retail store exemption.

[9 CFR 303.1](#) and [9 CFR 381.10](#) prescribe the various exemptions from inspection including the restaurant/catering and retail store exemptions. Each exemption allows for the sale of meat and poultry food products directly to individual consumers. The main difference between them is in how the products are prepared and sold.

1. **Restaurant and Catering exemptions:**

A restaurant is a business where meals, which may include meat food products, may be purchased. While a traditional restaurant experience may involve dining in, other restaurant business models include drive-thru windows, delivery, or carry-out options. A caterer is a person who delivers or serves food products as meals to individual consumers. To qualify for the restaurant and/or catering exemption the meat or poultry food products must be:

- Ready-To-Eat and prepared for sale or service as meals or entrees.
- Served or delivered directly to the individual consumer, hot or as needed, for ***immediate consumption.***
- ***No further cooking, heating or other preparation of the product is needed prior to consumption.***

2. **Retail Store exemption:**

A Retail Vendor is a business that offers for sale, sells, and/or further prepares meat and meat food products for sale to consumers. This includes raw, heat treated, and fully cooked meat and poultry food products. This also includes cooked meals or entrees that are cooled down and/or frozen, packaged, and placed on display for retail sale. Meat and poultry products prepared under the retail store exemption ***are not served or delivered to the consumer for immediate consumption; they typically require further preparation or heating prior to consumption*** and therefore, do not qualify for the restaurant or catering exemption. Sales of meat and poultry products prepared under the retail store exemption can only be sold to the end consumer. The end consumer includes:

- Household consumers
- Hotels, Restaurants, and Institutions (HRI)(total yearly sales to HRI consumers cannot exceed 25% of the retail stores total sale)
- **NOTE: Retail exempt prepared meat and poultry that is cooked, smoked, cured, rendered, or refined cannot be sold to HRIs.**

When is my restaurant, catering operation, or retail store required to hold a VAAFM license for meat processing?

In Vermont, a retail store/retail vendor as defined in [6 V.S.A 3302\(39\)](#) (and described above) is required to license with VAAFM per [6 V.S.A 3306 \(a\)](#).

Restaurants and catering operations are not required to license VAAFM because the Vermont Department of Health (VDH) Food and Lodging program already requires licensing and conducts routine inspections of these businesses. Therefore, anyone preparing meat or poultry under the Restaurant/Catering exemption (described above) is required to follow their standards and regulations.

There may be instances where a business is serving RTE meals with meat or poultry for immediate consumption and also cooling down, packaging, and placing the same meals on display for retail sale. In this scenario the business would need a [retail meat processing license](#) from VAAFM Meat Inspection Service **and** contact the [VDH Food & Lodging program](#) about licensing as a restaurant or caterer.

What if a person or business desires to prepare meals, entrees, or other meat or poultry food products for distribution into commerce for resale?

A common misconception held by some restaurants, caterers, and retailers is that they are allowed to prepare and sell meals, entrees, or other meat or poultry food products to another business for resale to consumers. This is not accurate. Food products containing meat or poultry prepared under a [VDH Food & Lodging program](#) license or VAAFMEAT Inspection Service license for retail processing allows for sale directly to consumers only. The laws ([Federal Meat Inspection Act](#), [Poultry Products Inspection Act](#), [6 V.S.A Chapter 204](#)) and regulations that govern meat and poultry do not provide an exemption for meat and poultry food products, which are prepared without [VT State Inspection](#) or USDA [Federal inspection](#), to be distributed into commerce for resale. Doing so in Vermont is a violation of [6 V.S.A 3308](#).

To legally prepare and distribute meat and poultry food products to other businesses for resale in Vermont, a person or business would require daily inspection. This includes holding a Meat Handler Operations license for State or Federal commercial processing and applying for a grant of VT [state](#) or [USDA federal](#) inspection.

For more information how to operate as a state inspected commercial processor of meat and/or poultry products please review our [Guidelines for Obtaining Vermont State Inspection](#).

For questions about this guidance document please contact:

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