

## HOW TO START A FOOD BUSINESS IN NORTH DAKOTA

ND Department of Health  
Division of Food and Lodging



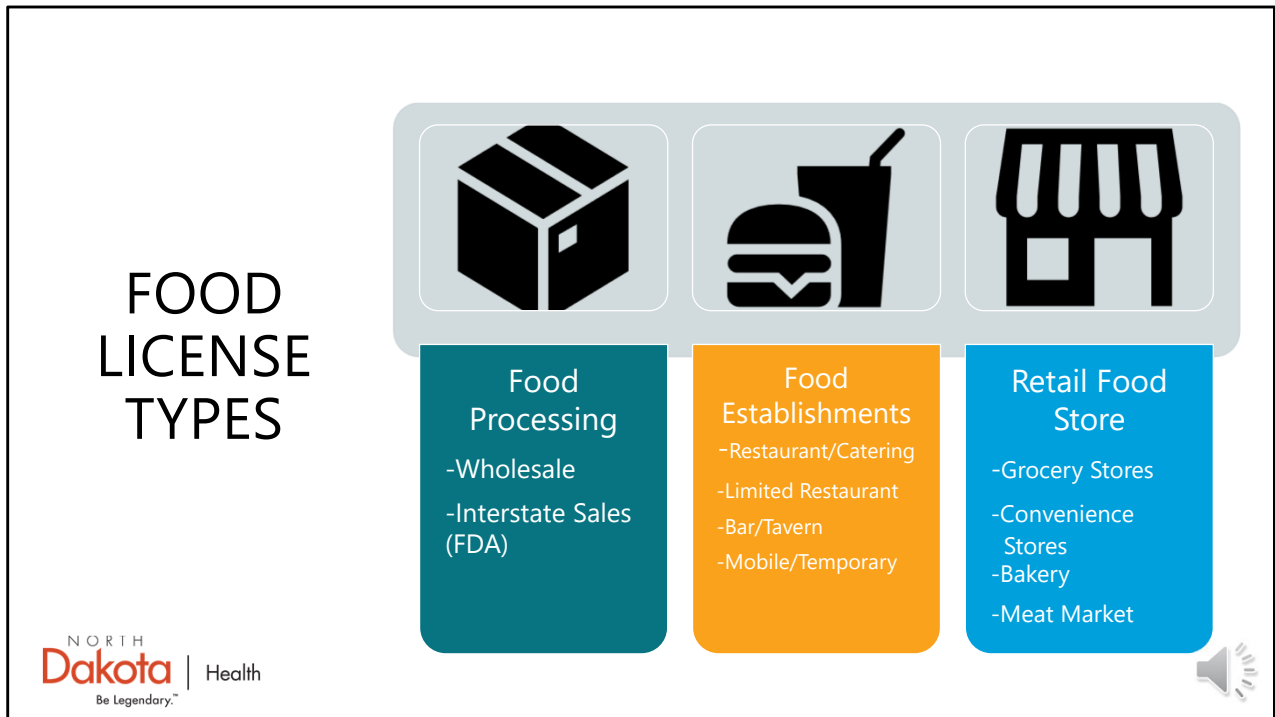
Are you interested in starting a food business in North Dakota? Follow these simple steps to get started!

# STEPS TO START A FOOD-BASED BUSINESS

1. Determine the license type needed.



The first step to starting a food-based business is to determine the license type needed.



Food license types are roughly divided into three categories – food processing, food establishments, and retail food stores.

According to North Dakota Century Code 23-09, a “Food Processing Plant” means a commercial operation that manufactures, packages, labels, or stores food for human consumption and does not provide food directly to the end consumer. Food that is made by the food processor is sold to a buyer that will resell the food to the end consumer. This is referred to as wholesaling. If sales occur across state lines, the Food and Drug Administration (or FDA) is also involved in the regulation of the food processor.

A "Food establishment" means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption. Food establishments sell food to the end consumer and include restaurants and catering operations, limited restaurants, bars or taverns, and mobile food units or temporary food event stands.

A food establishment does not include:

- (1) An establishment that offers only prepackaged foods that are not time/temperature control for safety foods;

- (2) A produce stand that only offers whole, uncut fresh fruits and vegetables;
- (3) A kitchen in a private home if the food is prepared for sale or service at a function such as a religious or charitable organization's bake sale;
- (4) A private home that receives catered or home-delivered food.

"Retail Food Store" means any establishment or section of an establishment where food and food products are offered to the consumer and intended for off premise consumption. Examples include grocery stores, convenience stores, bakeries and meat markets.

The food regulatory agency will help you determine the food license type needed for your food business. If your food business operates within multiple categories, a multiple establishment license will be issued for your food business.

## STEPS TO START A FOOD-BASED BUSINESS

1. Determine the license type needed.

2. Determine the jurisdiction of the business.



The second step to starting a food-based business is to determine the jurisdiction of the business.

# FOOD REGULATORY AGENCIES IN ND



- Federal:
  - US Food and Drug Administration (FDA)
    - <https://www.fda.gov/Food/default.htm>
  - US Department of Agriculture (USDA)
- State Level
  - ND Dept. of Health
    - <https://www.health.nd.gov/regulation-licensure/food-and-lodging>
  - ND Dept. of Agriculture
  - Local Public Health Units



There are several regulatory agencies that regulate food. The regulatory agency depends on the location of your food-based business and your operation. The FDA has jurisdiction over food entering interstate commerce (except meat, poultry, and certain egg products). In which case, the US Department of Agriculture has jurisdiction. The FDA also has jurisdiction over imported food products, conducting sales of food via the internet, and shipping food products outside of the state of ND. If this is the case for your food business, you will need to register with the FDA or contact the US Department of Agriculture for guidance.

Within the state of North Dakota, the North Dakota Department of Health, Division of Food and Lodging, or a local public health unit have jurisdiction over food businesses except meat, poultry, and certain egg products in which case it is the North Dakota Department of Agriculture, Dairy and Meat Inspection Programs.

The North Dakota Department of Health, Division of Food and Lodging has a memorandum of understanding with nine local public health units to provide the inspection and licensing within their respective areas of jurisdiction. State license

is waived if licensed through another jurisdiction.  
Click on the Areas of Jurisdiction link below to determine who will be licensing your food-based business.

## LICENSING JURISDICTION

Local Public Health Unit	Phone Number	Areas Covered*	Food							
			Bakery	Bar / Tavern	Child Care	Food Processing	Limited Restaurant	Mobile Food	Restaurant	Retail Food (Grocery Stores)
<a href="#">Bismarck Burleigh Public Health</a>	701.355.3400	City of Bismarck	X	X	X	X	X	X	X	X
<a href="#">Central Valley Health District</a>	701.252.8130	Stutsman, Barnes, Logan, Wells, Foster, Dickey, Lamoure, McIntosh counties			X		X		X	
<a href="#">Custer Health</a>	701.667.3370	Grant, Mercer, Morton, Oliver, Sioux counties	X	X	X		X	X	X	X
<a href="#">Fargo Cass Public Health</a>	701.241.1360	City of Fargo, City of West Fargo	X	X	X		X	X	X	X
<a href="#">First District Health Unit</a>	701.852.1376	Bottineau, Burke, Ward, McHenry, McLean, Renville, Sheridan counties	X	X	X	X	X	X	X	X
<a href="#">Grand Forks Public Health</a>	701.787.8100	City of Grand Forks, Grand Forks County	X	X	X		X	X	X	X
<a href="#">Lake Region District Health Unit</a>	701.662.7035	Benson, Cavalier, Eddy, Ramsey, Rolette, Pierce, Towner counties			X					
<a href="#">Southwestern District Health Unit</a>	701.483.0171	Adams, Billings, Dunn, Golden Valley, Slope, Hettinger, Bowman, Stark counties		X	X		X	X	X	
<a href="#">Upper Missouri District Health Unit</a>	701.774.6400	Divide, McKenzie, Mountrail, Williams counties			X				X <sup>2</sup>	

Here is a snapshot of the Areas of Jurisdiction document. To determine the licensing and inspection Regulatory Authority for facilities in North Dakota, first determine the physical location of the establishment and then the license type. If the corresponding space does not have an "X" or the location is not listed in the "Areas Covered" column, then this license is under the regulatory jurisdiction of the North Dakota Department of Health, Division of Food and Lodging.



## STEPS TO START A FOOD-BASED BUSINESS

1. Determine the license type needed.

2. Determine the jurisdiction of the business.

3. Contact local planning and zoning office (city, township, or county).



The third step to starting a food-based business is to contact the applicable local planning and zoning office in your city, township, or county.

## CONTACT LOCAL PLANNING AND ZONING

- ✓ Building authority
- ✓ Fire
- ✓ Electric
- ✓ Plumbing
- ✓ Drinking water
- ✓ Wastewater
- ✓ Business ID
- ✓ Tax ID
- ✓ Liquor/gaming license



Prior to investment and construction of your food-based business, contact the applicable planning and zoning office to determine and prepare for the local requirements. You will want to be sure that your food-based business can operate in the proposed location. You will need to comply with local ordinances and building authorities as well as fire, electric, plumbing, drinking water, and wastewater regulations. You will also need to contact the Secretary of State Office to obtain a Business ID and the Office of State Tax Commissioner for a Tax ID. If your business intends to sell liquor or provide gaming, a license can be obtained through the Attorney General's office. Contact information for the various agencies are listed in the Links section below.

Secretary of State Registration and Business Licenses

(<https://www.nd.gov/omb/agency/procurement/secretary-state-registration-and-business-licenses>)

New Business Registration (<http://www.nd.gov/businessreg/build/index.html>)

Tax Information for New Businesses

(<https://www.nd.gov/tax/user/businesses/overview/new-businesses>)

Sales and Special Taxes Guidelines

(<https://www.nd.gov/tax/user/businesses/formspublications/sales-use->

[tax/guidelines-publications-sales/sales-special-taxes-guidelines](#))

Alcohol Tax Forms

(<https://www.nd.gov/tax/user/businesses/formspublications/alcohol-tax/formsinstructions--applications>)

Office of Attorney General Licensing and Gaming

(<https://attorneygeneral.nd.gov/licensing-and-gaming/licensing>)

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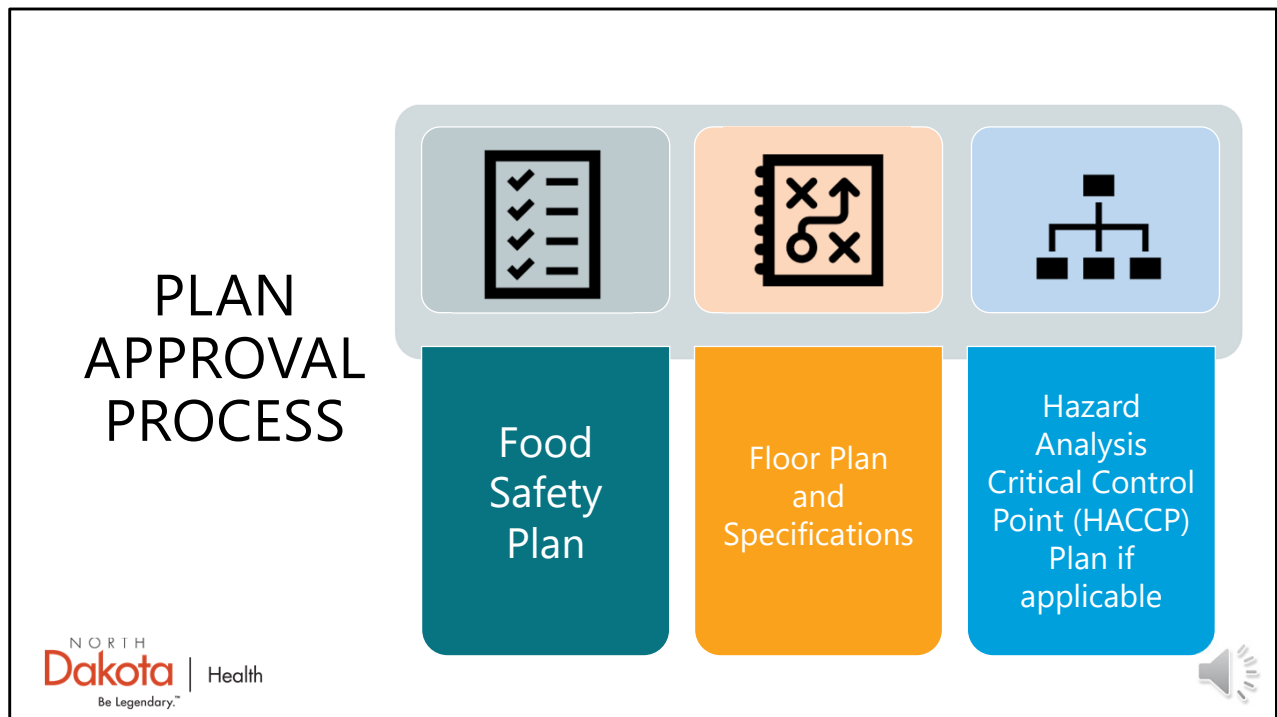
2. Determine the jurisdiction of the business.

3. Contact local planning and zoning office (city, township, or county).

4. Submit plans and specifications to the licensing and inspection authority for approval.



The fourth step to starting a food-based business is to submit plans and specifications to the licensing and inspection authority for approval. This is referred to as the Plan Approval process.



The plan approval process consists of submitting a Food Safety Plan, floor plan and specifications, and hazard analysis critical control point or HACCP plan, if applicable. The Food Safety Plan requires you to assess the proposed menu, seating capacity, hours of operations, and projected daily meal volume. A description of food preparation, flow, and processing methods is also included in the Food Safety Plan. Floor plans should be legible and include the location of all food equipment, handwashing sinks, dishwashing sinks, mop sinks, restrooms, and storage areas. Your Regulatory Authority will notify you if a HACCP plan is required for your food-based business. A HACCP plan may be required if you are smoking food as a method of food preservation, curing food, vacuum sealing food, canning food, or conducting other complicated food processes as determined by the Regulatory Authority. You can find these documents under the Plan Approval Process section below. Also included in this section is a food establishment plan review guide.

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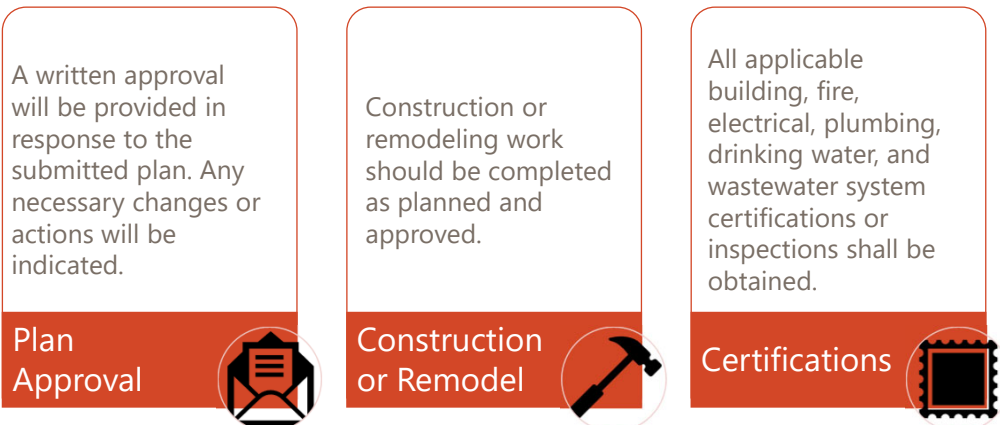
4. Submit plans and specifications to the licensing and inspection authority for approval.

5. Written plan approval and certification from applicable agencies.



The fifth step to starting a food-based business is to receive written plan approval from the Regularity Authority and certification from applicable agencies.

# PLAN APPROVAL AND CERTIFICATIONS



Once the plans are received by the Regulatory Authority, an account will be created for your business. The Regulatory Authority will review your plans and contact you with any questions or concerns. A plan approval letter will be sent to you indicating approval from the Regulatory Authority. Any necessary changes or actions will be indicated in the plan approval letter. Construction or remodeling work should be completed as planned and approved. Appropriate certifications or inspections from building, fire, electrical, plumbing, drinking water, and wastewater systems shall be obtained to ensure that your business complied with applicable regulations from other authorities.

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4. Submit plans and specifications to the licensing and inspection authority for approval.

5. Written plan approval and certification from applicable agencies.

6. Pre-operational inspection prior to license approval and operation.



The sixth and final step to starting a food-based business is a pre-operational inspection prior to license approval and operation.



## PRE-OPERATIONAL INSPECTION



- On-site inspection after all construction completed prior to operating.
- Inspector will determine if license application is approved.

At least 10 days prior to opening, contact your Regulatory Authority to schedule a pre-operational inspection. During the inspection, the inspector will verify that all construction was done in accordance with the submitted plan. If not already obtained, certifications from applicable authorities will be collected. The inspector will determine if your business is ready to be licensed and instruct you to complete a license application and submit the required license payment. A link to the required license fees is included below.



You have completed all the steps to starting a food-based business!



Congratulations! You have completed all the steps to starting a food-based business. You are now a licensed food establishment and ready to begin your operation.

# CONTACT

ND Department of Health  
Division of Food and Lodging

701-328-1291

Email: [foodandlodging@nd.gov](mailto:foodandlodging@nd.gov)

Website:  
<https://www.health.nd.gov/regulation-licensure/food-and-lodging>



Please feel free to contact our Division with any questions or concerns. You can contact us at 701-328-1291 or email us at [foodandlodging@nd.gov](mailto:foodandlodging@nd.gov).