1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov

Kansas
Department of Agriculture

900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

27 January 2025

Mr. Sands,

Thank you for reaching out to the Kansas Department of Agriculture ("KDA"). We have received your letter with the inquiry as to whether the KDA has, "…any laws, codes, or regulations requiring customers or patrons to wear shoes or other footwear in restaurants, grocery stores, convenience stores, or any other type of businesses it may regulate[.]"

Under K.A.R. 4-28-8, the KDA's Food Safety and Lodging Division has incorporated the "Kansas Food Code" by reference into the regulations of the State. Under the Kansas Food Code 2-304.11:

> FOOD EMPLOYEES shall wear clean outer clothing to prevent contamination of FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.

Therefore, as noted in your letter, the regulation of patrons (and their clothing) would be subject to the individual business' policies. However, that does not mean that a licensee could not be found in violation for having food in an unsafe condition.

Under the Kansas Food, Drug, and Cosmetic Act; a licensee may still be in violation. Per K.S.A. 65-664 "(a) A food shall be deemed adulterated if: … (4) it has been produced, prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered diseased, unwholesome, or injurious to health.

We hope this helps give some clarity as to the regulations in the State of Kansas and please do not hesitate to reach out if you have any additional questions in the future.

Always best,

Brandon J. Katt | Staff Attorney | KS #27225
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
tel.: (785) 564-6717 (direct) | fax: (785) 564-6777
brandon.katt@ks.gov

cc: Amber Grisamore – Program Manager, Kansas Food Safety and Lodging Division