



## **California Microenterprise Home Kitchen Operation (MEHKO) Frequently Asked Questions AB 626**

### **California Retail Food Code: Microenterprise Home Kitchen Operations Effective: February 1, 2019**

#### **1. What is Microenterprise Home Kitchen Operations MEHKO?**

A microenterprise home kitchen operation means a *food facility* that is operated by a resident in a private home where food is stored, handled, and prepared (California Retail Food Code section 1133825).

#### **2. What is meant by a private home?**

“Resident of a private home”, means an individual who resides in the private home when not elsewhere for labor or other special or temporary purpose.

#### **3. Do I need a Health Permit to operate an MEHKO?**

Yes, you need to have a valid Health Permit from the Monterey County Environmental Health Bureau. The permit shall be valid for one calendar year from the date of issue, unless it is revoked. The permit shall not be transferred from person to person and is valid only for the operator, location, type of food sales, or distribution activity and, unless suspended or revoked for cause, for the time indicated.

#### **4. How do I obtain a permit?**

To obtain a permit, you must first complete a permit application and submit standard operating procedures (SOP’s). Once the application and procedures are approved, an inspection will be scheduled. A permit will be issued after the inspection when compliance is met. This process may take up to 20 working days.

#### **5. What information is required in an MEHKO’s standard operating procedures (SOP)?**

The MEHKO’s standard operating procedures shall include:

- All food types or products that will be handled.
- The proposed procedures and methods of food preparation and handling.
- Procedures, methods, and schedules for cleaning utensils, equipment, and for the disposal of refuse.
- How food will be maintained at the required holding temperatures, pending pickup by the consumer or during deliver.
- Days and times that the home kitchen will be potentially utilized as a MEHKO.

**6. What operations cannot be conducted out of an MEHKO?**

“Microenterprise home kitchen operation” does not include either of the following (per California Retail Food Code 113825):

- (1) A catering operation as defined in Cal Code section 114328.
- (2) A cottage food operation, as defined in Cal Code section 113758.

**7. Can two MEHKO permits be issued for two residents that would like to operate a MEHKO out of the same residence?**

No, only one MEHKO may operate from a private residence. Permits are specific for the person, location and type of food service to be offered.

**8. Are there limitations on the amount of Microenterprise Homemade sales?**

Yes, \$100,000 in verifiable gross annual sales.

**9. Can a MEHKO have employees?**

Yes, only one full-time equivalent employee (not counting family members or household members). However, if the MEHKO elects to have an employee, a worker’s compensation compliance affirmation form is required.

**10. Who can I sell my food to?**

Food from a MEHKO may be sold directly to consumers from their home and may not sell to any wholesaler or retailer. Food may be offered through the Internet Web site or mobile application of an Internet food service intermediary (ISFI), as defined in Section 114367.6 of AB 626. Food is to be consumed onsite at the MEHKO or offsite if the food is picked up by the consumer or delivered within a safe time period based on holding equipment capacity.

**11. Can I cook the food at home under the MEHKO permit and sell it at public events like a farmers’ market?**

No, food prepared under a MEHKO permit is for onsite consumption, direct pickup, or direct delivery to the consumer.

## **12. What is an internet food service intermediary (IFSI)?**

An entity that provides a platform on its internet website or mobile application through which a microenterprise home kitchen operation may choose to offer food for sale and from which the Internet Food Service Intermediary derives revenues, including but not limited to, revenue from advertising and fees for services offered to a MEHKO. Publishing an advertisement for the MEHKO or food cooked there does not make the publisher an Internet Food Service Intermediary.

The internet food services intermediary needs to be registered with the California Department of Public Health prior to listing MEHKO.

## **13. An internet food service intermediary service must:**

- Be registered with the California Department of Public Health
- Post requirements of a MEHKO
- Post fees associated with using its platform
- Post whether their internet food service has liability insurance for incidences arising from the sale or consumption of food listed
- Provide a dedicated field to display the permit number of the MEHKO
- Provide information on how to contact the local enforcement agency and a provide a link to the department's website
- Submit the name and permit number of MEHKO to the local enforcement agency if it received three or more unrelated food complaints in a calendar year within two weeks of the third complaint.
- Obtain consent from MEHKO of disclosures to government entities required

## **14. Do I need any special training or certification?**

Yes, the operator of a microenterprise home kitchen operation shall successfully pass an approved and accredited food safety certification examination. Any individual, other than the operator, who is involved in the preparation, storage, or service of food in a microenterprise home kitchen operation shall be subject to the food handler card requirements. For more information regarding local food safety courses contact Monterey County Health, Environmental Health Bureau [health@co.monterey.ca.us](mailto:health@co.monterey.ca.us) or [www.mtyhd.org](http://www.mtyhd.org)

## **15. How much will the permit cost?**

Please see the County's current fee schedule.

**16. How often will a MEHKO be inspected?**

After the initial inspection, a MEHKO shall not be subject to more than one inspection each year by the local enforcement agency, except in cases in which the local enforcement agency has a valid reason, such as a consumer complaint or nuisance violation, or advanced notice is issued to the operator.

**17. What is my legal responsibility as a MEHKO operator in ensuring that my food is safe?**

It is the MEHKO operator's responsibility to know and follow the California Retail Food Code regulations pertaining to their MEHKO.

**18. Which food and food preparation methods are NOT allowed?**

- The production, service of raw milk or raw milk products.
- The service or sale of raw oysters
- Food process that require a Hazard Analysis Critical Control Point (HACCP) plan.

**19. When a Hazard Analysis Critical Control Point (HACCP) plan is required?**

- Smoking food as a method of food preservation.
- Curing food.
- Using food additives or adding components such as vinegar as a method of food preservation.
- Operating a molluscan shellfish life support system display tank used to store and display shellfish that are offered for human consumption.
- Using acidification or activity to prevent the growth of Clostridium botulinum.
- Packaging potentially hazardous food using a Reduced-Oxygen Packaging method.
- Preparing food by another method that is determined by the lead local agency to require a HACCP plan.

**20. Is a catering operation or a Cottage Food Operation (CFO) allowed to operate from a MEHKO?**

No, a catering operation or a CFO is not permitted from a MEHKO.

**21. Can a MEHKO be used as a commissary as defined in Cal Code section 113751?**

No, a MEHKO cannot be used as a commissary.

**22. What happens if a customer complains after eating food and beverages at a MEHKO?**

The local enforcement officer may conduct an on-site inspection to investigate the alleged complaint.

**23. I am a renter do I need authorization from my landlord to have a MEHKO?**

The renter must check their lease agreement to see if there are any restrictions to operating a home-based business out of the residence. Some city zoning requirements may require the tenant to provide an authorization form from the property owner. Only one MEHKO would be allowed to operate in a single residence.

**24. Can I have food delivered from my MEHKO?**

Yes, however, the delivery must be directly to the consumers.

**25. Can I build a kitchen in my garage or backyard for a MEHKO permit?**

Any new construction or remodel for the purpose of a MEHKO operation will need to be reviewed and approved by the local planning department prior to operating. Please contact your city or county housing community development (HCD) department for new construction or remodeling requirements.

If you have any other questions or concerns regarding the Microenterprise Home Kitchen Operation MEHKO, please contact us at (831) 755-4505 or visit our website at [health@co.monterey.ca.us](mailto:health@co.monterey.ca.us) or [www.mtyhd.org](http://www.mtyhd.org).