

Microenterprise Home Kitchen Operations (MEHKO)

Frequently Asked Questions

Permits and Inspections

1. **Q: What is a Microenterprise Home Kitchen Operation? (MEHKO)**

A: A Microenterprise Home Kitchen Operation (MEHKO) is a type of food facility that is operated by a resident in a private home where food is stored, handled, prepared, and served to consumers (maximum 30 meals per day and no more than 60 meals per week). Food must be prepared and served to customers on the same day. Food can be consumed onsite, picked up, or be delivered to the consumer within a safe period of time (30 minutes without hot holding equipment).

For information on operational requirements and limitations take a look at the **MEHKO Stakeholder's Presentation** on Santa Barbara County Environmental Health Services' Website: <https://countyofsb.org/phd/ehs/public-notices.sbc>

A MEHKO **does not** include either of the following:

- A catering operation, as defined in California Health & Safety Code (H&SC) Section 113739.1.
- A cottage food operation, as defined in H&SC Section 113758.

2. **Q: Do I need a health permit for a Microenterprise Home Kitchen Operation?**

A: Yes, a permit must be obtained from Environmental Health Services (EHS) before operating a MEHKO.

3. **Q: Who can get a MEHKO permit?**

A: MEHKO permit can be issued to a resident of a private residence who wishes to prepare and serve food from their home kitchen. The MEHKO operator must live in the residence that is operating as a MEHKO.

4. **I rent my home, or live in a Homeowner's Association. Can I get a MEHKO permit?**

A: MEHKO's permits may be issued for single family residences, condominiums, townhouses, and apartments. If you rent your home or have a Homeowner's Association

(HOA), it is advised that you make sure that a MEHKO is allowed by your landlord or HOA before applying for a health permit from EHS.

5. **Q: How do I start a Microenterprise Home Kitchen Operation (MEHKO)?**

6. **A:** For information on how to apply for a MEHKO permit, please visit the Environmental Health Services Home Kitchen Operations website at:

<https://www.countyofsb.org/phd/ehs/cottage-food-operations.sbc>. **Q: How long does the application process take for a MEHKO?**

A: The amount of time the process takes can vary because the application process is determined by the level of detail and completeness of the application package. Environmental Health Services reviews applications on a first-come, first-served basis. EHS staff will review your plan check application within 20 business days from the day you submit the application. In many cases, we will be able to respond to your application more quickly.

7. **Q: I have a MEHKO permit for my current residence and I am moving. Is my permit still valid for my new residence?**

A: No, permits are not transferrable to other people or other locations. If the MEHKO operator moves, changes their menu or type of food service, a new plan check and permit application will need to be submitted for approval by Santa Barbara County Environmental Health Services.

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

A: No, only one MEHKO may be permitted at a private residence.

9. **Q: What is the difference between a Cottage Food Operation (CFO) and a Microenterprise Home Kitchen Operation (MEHKO)?**

A: A CFO is restricted to preparing and selling only non-potentially hazardous foods that have been approved (see link below for the approved food list) by the California Department of Public Health, which may be sold directly or indirectly to the consumer. CFOs may not allow on-site food consumption. A MEHKO allows the limited preparation of potentially hazardous foods for onsite consumption or delivery when permitted by Santa Barbara County Environmental Health Services.

The California Approved Cottage Foods List can be found here:

<https://www.cdph.ca.gov/Programs/CEH/DFDCS/CDPH%20Document%20Library/FDB/FoodSafetyProgram/CottageFood/ApprovedCottageFoodsList.pdf>.

10. **Q: Who is the “local enforcement agency” for MEHKOs?**

A: Environmental Health Services, a division of the Santa Barbara County Public Health Department, is the local enforcement agency for all food facilities, including MEHKOs.

11. Q: Are MEHKOs inspected?

A: Yes. MEHKOs are inspected annually by Environmental Health Services (EHS), just like other permitted food facilities. In addition, EHS can conduct inspections in response to a complaint about the MEHKO.

12. Q: How often will a MEHKO be inspected by EHS?

A: After the initial permitting inspection, a MEHKO will be subject to one routine inspection per year. EHS may conduct additional inspections in response to a consumer complaint, or if there is a reason to suspect that there is adulterated or otherwise unsafe food being produced or served by the MEHKO.

13. Q: What areas of the MEHKO will be permitted and inspected?

A: The areas of a MEHKO that will be permitted and inspected include the home kitchen, any onsite consumer eating areas, food storage, utensils and equipment, toilet room, cleaning facilities, and refuse storage areas (such as trash, recycling, and composting areas).

14. Q: What happens if there is a complaint about a MEHKO??

A: Complaints about MEHKOs may be handled by different local agencies.

Any complaint that is related to potential violations of the California Retail Food Code or foodservice at the MEHKO, (such as, poor food handling practices, vermin infestation, sick food employees, exceeding meal or gross sale restrictions, or a consumer reported foodborne illness), would be investigated by Santa Barbara County Environmental Health Services. An Environmental Health Specialist would conduct an onsite inspection to investigate the alleged complaint. The MEHKO may be responsible for paying for the cost of complaint investigation and enforcement if violations are found.

Complaints about parking, noise, advertising / signage, garbage, or other violations of a city or county's applicable ordinances may also be investigated by City or County code enforcement agencies. Again, the MEHKO may be responsible for paying for enforcement costs if violations are found.

15. Q: How would the public know if a MEHKO has an approved permit?

A: A MEHKO is required to display their permit, or a legible copy, during hours of operation. Customers may check to see if a MEHKO has a current permit by calling Santa Barbara County Environmental Health Services at 805-346-8460 (Santa Maria Office) or 805-681-4900 (Santa Barbara Office). A list of permitted MEHKOs is also available upon request.

MEHKOs are required to include their permit number, permitting agency (Santa Barbara County Environmental Health Services), and a disclosure that food is made in a home kitchen in any advertising (e.g. internet, social media, or print advertising).

Operating a MEHKO

16. Q: Who can a MEHKO sell, give or donate food to?

A: Food prepared at a MEHKO must be sold or donated directly to a consumer for onsite consumption, delivery, or pick-up. MEHKOs may not sell their food to another retailer, a caterer, or a wholesaler. Meal donations directly to homebound individuals or individuals experiencing hunger or poverty, or for other charitable purposes are allowed by a MEHKO.

17. Q: Can a MEHKO sell or give away food products at a temporary event or certified farmer's market?

A: No, a MEHKO cannot sell food products at a temporary event or certified farmer's market.

18. Q: Can a MEHKO sell to a wholesaler or retailer?

A: No, a MEHKO can only sell food directly to consumers.

19. Q: Can a MEHKO operate as a Caterer?

A: No, a MEHKO may not operate as a Caterer. Only permanent food facilities approved for operation) such as a restaurant, banquet facility or other approved commercial kitchen) or operators who have obtained a Catering permit at an approved commercial kitchen may operate as Caterers.

20. Q: Can a MEHKO support a mobile food facility or act as a commissary for a food truck?

A: No. MEHKOs may not sell to, operate as, or act as a commissary for a mobile food facility, such as a food truck or food cart.

21. Q: Are commercial equipment and/or appliances required in a MEHKO?

A: No, commercial equipment and/or appliances are not required as long as the equipment/appliances are maintained clean and are in good working order.

22. Q: Can the MEHKO advertise in front of the residence or on the property?

A: No. A MEHKO may not post signage or other outdoor advertising displays on its property, including on vehicles parked outside at or near the residence.

23. **Q: Can a MEHKO advertise in print media or online?**

A: Yes, a MEHKO can advertise in print media or online, including using internet food service intermediaries or other online platforms that lists or promotes the MEHKO on its internet web site or mobile application.

In all advertisements, the MEHKO must clearly identify Santa Barbara County Environmental Health Services as the permit issuer. The advertisement must also provide the permit number along with the statement “Made in a Home Kitchen” in a conspicuous font and location within the advertisement, and include this statement if the advertisement is audio.

24. **Q: Are restrooms required to be available for MEHKO customers?**

A: Yes, clean toilet facilities, in good condition, shall be available for the MEHKO operator, food handlers, and any employees at all times. If the MEHKO allows customers to consume food or beverages on site, the MEHKO must provide a restroom for those customers to use.

25. **Q: Are there any special requirements for MEHKOs that are not connected to a public water system?**

A: Yes. All MEHKOs must have potable water. “Potable water” means water that complies with the standards for transient noncommunity water systems pursuant to the California Safe Drinking Water Act (Chapter 4 (commencing with Section 116270) of Part 12, to the extent permitted by federal law.

If your MEHKO is served by a private well or domestic water system, please contact EHS for more information.

26. **Q: I have a septic system. Can I still have a MEHKO?**

A: A private onsite wastewater treatment system (septic system) serving a proposed MEHKO would need to be evaluated by EHS before a permit is issued, to make sure that the system is appropriately sized for the MEHKO. In some cases, upgrading the system may be necessary. Please contact EHS for more information.

27. **Q: Are there special requirements for disposing of fats, oils or grease that are produced in a MEHKO?**

A: Fats, oils and grease (sometimes known as FOG) are produced when cooking foods that contain fat, such as meat or dairy products, or are prepared using fat (for baking, sautéing, marinating, frying, etc.). They can cause blockages of residential and community plumbing and sewers, and can result in sewage backups and overflows both inside and outside of residences. Please do not dispose of fats, oils and grease down the drain. For more information about how to properly dispose of fats, oils and grease, please contact your sewer agency.

Food Service at a MEHKO

28. Q: What kinds of food service is the MEHKO permitted to do?

A: A MEHKO can prepare and serve foods that have been approved by Santa Barbara County Environmental Health Services for same day onsite consumption, takeout or delivery.

29. Q: Is there a limit on the amount or types of food a MEHKO can prepare and serve?

A: Yes. MEHKOs have several limitations that they must follow. For example:

- All food or beverages prepared and served by a MEHKO must be prepared and served on the same day.
- They may prepare and serve no more than 30 meals per day and no more than 60 per week. In some cases, EHS may reduce this number.
- They may sell no more than \$50,000 per year in gross sales, and must keep records to verify this.
- Prepared hot foods may not be cooled and reheated at the MEHKO (cook-and-serve only)
- MEHKOs may not prepare or serve certain types of food, such as raw oysters or raw dairy. Foods like ice cream, cheese, yogurt, and butter may be served by the MEHKO but may not be made by the MEHKO.
- MEHKOs may not make foods that require a HACCP plan (see guidance on HACCP below).

30. Q: What types of food processing or manufacturing require a Hazard Analysis Critical Control Point (HACCP) plan?

A: The following specialized food processes require a HACCP plan:

- 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 foods using a Reduced-Oxygen Packaging (ROP) method
- Preparing food by another method that is determined by EHS to require a HACCP plan

- 31. Q: Can I keep leftovers to serve the next day, or prepare foods, including condiments, beverages, or sauces, in advance?**
A: No, leftovers cannot be served the next day as part of the MEHKO operation. MEHKOS must prepare and serve all food and beverages on the same day.
- 32. Q: Can I package food or beverages at my MEHKO?**
A: Yes, a MEHKO may portion food into containers for same-day pick up or delivery service. However, MEHKOs cannot use reduced-oxygen packaging (such as vacuum packing) or seal their foods in cans, bottles, or jars.
- 33. Q: Can a MEHKO operate an open-air barbecue or an outdoor wood-burning oven?**
A: Yes, a MEHKO may operate an open-air barbecue or an outdoor wood-burning oven as long as the barbecue or oven is operated on the same premises as the MEHKO, is separated from public access, and meets the requirements of California Retail Food Code Section 114143.
- 34. Q: Can alcoholic beverages be sold from a MEHKO?**
A: MEHKOs must have a valid license from the California Department of Alcoholic Beverage Control in order to sell, serve, provide, or allow alcohol to be consumed on-site at the MEHKO. This includes allowing patrons to bring their own alcohol. Contact the California Department of Alcoholic Beverage Control for more information:
www.abc.ca.gov.
- 35. Q: Can a MEHKO make ice cream or other milk products?**
A: No. The California Department of Food and Agriculture requires a license and has specific requirements for the manufacturing of ice cream or other dairy-based foods. It also requires this license for nondairy foods that emulate dairy, such as nut milks or nut-based cheese-style foods. A residential home will not be able to meet these requirements. However, a MEHKO may purchase pasteurized milk and dairy products, (as well as nut milks and nut-based cheese-style foods) from an approved source and serve them or use them as an ingredient in the MEHKO's food product.
- 36. Q: Can homegrown fruits, herbs and vegetables be used in a MEHKO?**
A: Yes. Homegrown produce may be used in a MEHKO so long as it is grown and handled using community food production requirements, including best management practices. All produce must be thoroughly washed with potable water prior to use at the MEHKO.
- 37. Q: Can a MEHKO add cannabis, CBD, or kava to a food product as part of their operation?**
A: No, only approved food additives may be used as an ingredient in food preparation. Cannabis, CBD, and kava have not been approved as food additives by the US Food and Drug Administration. The California Department of Public Health has issued a letter about

CBD and industrial hemp in foods which you can read here:

https://www.cdph.ca.gov/Programs/CEH/DFDCS/CDPH%20Document%20Library/FDB/FoodSafetyProgram/HEMP/CDPH_FDB_CBD_Statement_1_2021.pdf

38. Q: Can I change my MEHKO's menu after I receive my health permit?

A: Menu changes may require an updated Standard Operating Procedures form, especially if it includes new food preparation processes, new equipment, or additional food storage capacity. Please contact Environmental Health Services before changing your menu to find out what will be required.

Employees / Record Keeping

39. Q: How many employees may a MEHKO have?

A: A MEHKO may have no more than one (1) full-time equivalent employee.

40. Q: What is the definition of a food employee?

A: A food employee is an employee who works with food, food equipment/utensils, or food contact surfaces. For more information about California Labor Laws visit:

www.dir.ca.gov/DLSE/dlse.html.

41. Q: Are family or household members considered food employees?

A: No, family members and household members are not considered food employees of a MEHKO.

42. Q: What are the sales limitations of a MEHKO?

A: The MEHKO shall have no more than fifty thousand (\$50,000) in verifiable (ex. invoices) gross annual sales. Records of all sales must be kept so that compliance with this limitation can be verified.

43. Q: What records are required to be maintained for review by the local environmental health jurisdiction?

A: The MEHKO shall maintain the following documents onsite for review during an inspection:

- Written standard operating procedures, approved by Santa Barbara County Environmental Health Services (EHS), that include a menu, and hours of operation.
- The permit to operate, or an accurate copy, shall be displayed onsite at all times when the MEHKO is in operation.
- Valid certificate of the Food Safety Manager Certification for the operator, valid Food Handler card(s) for any food handlers or employees.
- A copy of a valid driver's license for a person delivering food on behalf of the MEHKO.
- A copy of the most recent EHS inspection report.

- Copies of the MEHKO financial records as it relates to the gross annual sales.

44. Q: What food safety training or certification is required for a MEHKO?

A: Everyone who is involved with the preparation, storage, or service of food in a MEHKO must have food safety training, as follows:

- The operator of the MEHKO shall successfully pass an approved food safety examination. This examination must meet the standards of the American National Standards Institute (ANSI) as meeting the requirement of the Conference for Food Protection's Standards for Accreditation of Food Protection Manager Certification Programs.
- Any individual, other than the operator, who is involved with the preparation, storage, or service of food in a MEHKO, shall obtain an approved food handler card.
- A food employee that has a valid Food Safety Manager Certificate is not required to obtain a food handler card.
- The operator of the MEHKO must provide the food safety certificate within 60 days of opening the MEHKO.
- The food handlers of the MEHKO must have their food handler cards within 30 days of the MEHKO opening.

If you have any questions that have not been answered in these FAQ's, or if additional clarification is needed, please visit Santa Barbara County Environmental Health Services website at:

<https://www.countyofsb.org/phd/ehs/home.sbc>

Or call us at 805.681.4900 (Santa Barbara) • 805-346-8460 (Santa Maria)