



FREQUENTLY ASKED QUESTIONS

MICROENTERPRISE HOME KITCHEN OPERATIONS (MEHKO)

The California Health and Safety Code (California Retail Food Code) was amended in 2019 to add a new food facility category called “Microenterprise Home Kitchen Operation” (MEHKO).

» A MEHKO is a home-based food service facility that can serve and deliver food from a home but requires a local jurisdiction to pass an ordinance to adopt a MEHKO program.

PLEASE NOTE: Microenterprise Home Kitchen Operations are NOT allowed in Santa Cruz County until an ordinance is passed to create a MEHKO Permitting Program. An approved Health Permit is required before MEHKO service can begin.



GENERAL

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

It is a type of food service operated by a resident from a private home where food is prepared, cooked and served to consumers on the same day. Food is to be consumed onsite, picked up or be delivered to the consumer within a safe time period (i.e. within 30 minutes without hot holding equipment). The operation is limited to no more than 30 meals a day, 90 meals a week, and \$100,000.00 a year in gross annual sales (adjusted annually based on inflation and the California Consumer Price Index).

2. Why isn't the County of Santa Cruz accepting MEHKO Health Permit Applications?

By law, a County must opt-in to accept MEHKO applications via Ordinance or resolution. The County of Santa Cruz has not passed an ordinance to accept MEHKOs yet.



ORDINANCE

3. Why does a MEHKO require an ordinance?

State law allowed local jurisdictions to decide whether to accept these home-based food service activities.

4. Santa Cruz County is working on an ordinance to accept MEHKOs, can I start a MEHKO business now?

No, the County must pass the ordinance and the Environmental Health Division must create a process to accept health permit applications based on the approved ordinance. A Health Permit from Environmental Health is required before you can start a MEHKO business.

As of the date of this FAQ document, Environmental Health is gathering community input to learn about their interest in moving forward with an ordinance to adopt a MEHKO program. If an ordinance is widely supported by Santa Cruz County residents, this item will be presented to the Board of Supervisors.

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Last updated: August 2024



Permitting and Inspection

5) Do I need a permit to operate a MEHKO?

Yes, an environmental health permit is required prior to operating a MEHKO.

6. Who is the “local enforcement agency” for MEHKOs?

The local enforcement agency for food facilities and MEHKOs in Santa Cruz County is the Santa Cruz County Environmental Health Division.

7. How do I obtain a permit?

We cannot accept permits at this time. The County is working on an Ordinance to establish a MEHKO Permitting program. (See FAQ #4).

If passed, an applicant must be a resident of the home to be permitted. Applicants would need to get the home evaluated for minimum sanitation standards, apply for a health permit, submit Standard Operational Procedures (SOP) and payment to Santa Cruz County Environmental Health. The submitted packet will be reviewed and an inspection of the MEHKO will be scheduled while it is in operation. If approved, a permit will be issued. Fees will vary depending on the local ordinance and fee schedule.

8. Who is considered a resident?

A resident is an individual who lives in a private home (such as a single home, apartment, duplex, or condominium) when not elsewhere for work or temporary basis (i.e. vacation).

9. What information is required in an MEHKO’s standard operating procedures?

The MEHKO’s standard operating procedures shall include:

- All food types or products (e.g. menu items) 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 and during delivery.
- Proposed days and times when the home kitchen may potentially be utilized as a MEHKO.
- Clarification on whether the food be served on site, delivered, picked up or all of the above.

10. What is the difference between a Cottage Food Operation (CFO) and a Microenterprise Home Kitchen Operation (MEHKO)?

A CFO is restricted to preparing and selling only nonperishable foods that have been approved by the California Department of Public Health which may be sold directly or indirectly to the consumer. A MEHKO allows for the limited preparation of potentially hazardous foods for onsite consumption or delivery when permitted by the local environmental health jurisdiction.

<https://bit.ly/3AynQOR>

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Permitting and Inspection

11. Can a permitted Cottage Food Operator (CFO) also operate as a MEHKO?

No, a CFO is restricted to non-potentially hazardous foods and cannot serve foods from a private home. These are considered two different activities and a home is limited to one or the other.

12. How often would a MEHKO be inspected by the local environmental health jurisdiction?

After the initial home evaluation, a MEHKO may be subject to one routine inspection per fiscal year. Additional inspections may be conducted in response to a consumer complaint, or reason to suspect that adulterated or otherwise unsafe food has been produced or served.

13. What happens if a customer complains after eating at or purchasing food and beverages from a MEHKO?

The Environmental Health Specialist may conduct an onsite inspection to investigate the alleged complaint. Fees may be assessed by the local environmental health jurisdiction for the investigation.

14. If there are complaints about odors, traffic, parking, and/or excessive noise, what agency should be notified?

Any complaints involving nuisance concerns can be reported directly to the local Code Enforcement Department.

[City of Santa Cruz](#) | Code Compliance
www.cityofsantacruz.com
(831) 420-5111

[City of Watsonville](#) | Code Enforcement
www.watsonville.gov
(831) 768-3050

[County of Santa Cruz](#) | Code Compliance
cdi.santacruzcountyca.gov
(831) 454-2580

[City of Scotts Valley](#) | Report a Concern
www.scottsvalley.gov
(831) 440-5600

[City of Capitola](#) | Code Enforcement
www.cityofcapitola.org
(831) 475-7300



Vending and Advertising

15) Who can a MEHKO sell food to?

Food must be sold directly to a consumer for onsite consumption or delivery and not to a wholesaler or retailer.

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Vending and Advertising

16. Can a MEHKO advertise in front of the residence?

No, the MEHKO is prohibited from posting signage or other outdoor displays advertising the MEHKO from a residence.

17. Can a MEHKO advertise online?

Yes, a MEHKO can utilize an internet food service intermediary or other online platform that lists or promotes the MEHKO on its internet web site or mobile application.

18. Can a MEHKO advertise using print media?

Yes, a MEHKO can advertise in a newspaper or other print media. The MEHKO must clearly identify the name of the local enforcement agency that issued the permit, the permit number, and state "Made in a Home Kitchen" in a conspicuous font and location within the advertisement.

19. Can a MEHKO utilize a third-party online delivery service, such as Uber Eats or DoorDash to deliver food?

No, a MEHKO is not allowed to utilize any third-party delivery service for food deliveries in most cases.



Food Service

20) What type of food service is the MEHKO permitted to do?

If permitted, a MEHKO can prepare and sell foods that have been approved by the local environmental health jurisdiction for same day onsite consumption or delivery.

21. What are the menu limitations on a MEHKO?

A MEHKO business may not prepare food or beverages that:

- Involve the production, service, or sale of raw milk or raw milk products.
- Involve the service or sale of raw oysters.
- Involve food processes that require a Hazard Analysis Critical Control Point Plan (see follow-up question below for more information).

22. What types of food processing require a Hazard Analysis Critical Control Point (HACCP) plan?

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 food using a Reduced-Oxygen Packaging (ROP) method.
- Preparing food by another method that is determined by the lead local agency to require a HACCP plan.

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Food Service

23. Can a MEHKO make and sell ice cream or other milk products?

No, the California Department of Food and Agriculture requires a license and specific requirements for the manufacturing of ice cream or dairy based foods. A residential home will not be able to meet those requirements. This does not prohibit a MEHKO from utilizing dairy products such as pasteurized milk purchased from an approved source as an ingredient in a food product.

24. Are there any special requirements regarding a private residential water well?

Yes, only potable water from a properly constructed and maintained onsite well or municipal water system can be used. Well water must be tested for total coliform, E. coli, and nitrates at least yearly.

25. Can a MEHKO operate an open-air barbecue or an outdoor wood-burning oven?

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 a MEHKO, is separated from public access, and meets the requirements of California Retail Food Code Section 114143.

<https://bit.ly/4cDfHFN>

Environmental Health may prevent use of a barbecue or wood burning oven if it is a potential fire risk.

26. Can alcoholic beverages be served or sold from a MEHKO?

Contact Department of Alcohol Beverage at www.abc.ca.gov/micro-enterprise-home-kitchens-mehks-faq/



Employees and Record Keeping

27. What is the definition of a food employee?

A food employee is an employee who works with food, food equipment or utensils, or food contact surfaces. For more information about California Labor Laws visit: <https://www.dir.ca.gov/DLSE/dlse.html>

28. Are family or household members considered food employees?

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

29. What are the limitations for a MEHKO to hire food employees?

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

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30. What certificates are required to operate a MEHKO?

The operator of the MEHKO shall successfully pass an approved and accredited food safety examination by the American National Standards Institute as meeting the requirements of the Conference for Food Protection's Standards for Accreditation of Food Protection Manager Certification Programs and 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.

31. What are the sales limitations of a MEHKO?

The MEHKO shall have no more than one hundred thousand (\$100,000) in verifiable (i.e. invoices) gross annual sales. Records of all sales must be kept so that compliance with this limitation can be verified. A maximum of 30 meals a day and 90 meals a week is allowed. The number may be lower based on space in the home.

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

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

- Written standard operating procedures 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 and a valid food handler card(s) or food safety manager certification for any food employees.
- A copy of the valid driver's license of a person delivering food on behalf of the MEHKO.
- A copy of the most recent inspection report.
- Copies of the MEHKO financial records as it relates to the gross annual sales.



If you have any questions that have not been answered in this Frequently Asked Questions document or need additional clarification, please contact Environmental Health.

- ✉ EnvironmentalHealth@santacruzcountyca.gov
- ☎ (831) 454-2022
- 🌐 www.scceh.org

Scan to learn more about the MEHKO Program

