



Alameda County
Department of Environmental Health

Microenterprise Home Kitchen Operation (MEHKO) Frequently Asked Questions

1. What does the new law AB 626/377 provide?

The new law establishes a “microenterprise home kitchen operation”, also referred to as MEHKO, as a new type of retail food facility operated by the resident of a private home kitchen. MEHKOs, once authorized, the County’s Department of Environmental Health will be the permitting agency.

2. When does the new law go into effect?

The new law became effective on January 1, 2019 but Alameda County (excluding City of Berkeley) must “Opt In” to authorize implementation. MEHKO-related questions for the City of Berkeley, please contact City of Berkeley Environmental Health directly at (510) 981-5310 or https://www.cityofberkeley.info/Environmental_Health/ for information.

3. What is a Microenterprise Home Kitchen Operation or MEHKO?

A MEHKO is a food service operation, permitted by DEH and operated by the resident in a private home where food is stored, handled, and prepared for service or delivery to customers. Food must be prepared and served the same day from the MEHKO facility only. Food may be advertised through an internet website or a phone based mobile application of an Internet Food Service Intermediary. MEHKO food products cannot be sold to a wholesale facility, retail food facility, or a mobile food facility.

4. What is meant by “private home”?

“Private home” means a residential building, including a house, apartment or other owned or leased space, where individuals reside. The MEHKO must be conducted within the primary residence. Second homes, vacation homes, boats or motor homes DO NOT qualify for a MEHKO.

5. Are there any meal or sales limitations for MEHKOs?

Yes, food preparation is limited to 30 meals per day or 60 individual meals per week and gross annual sales cannot exceed \$50,000. Records of all sales must be maintained for compliance with this limitation.

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

The local enforcement agency for food facilities, including MEHKOs, in Alameda County is the Alameda County Department of Environmental Health (DEH) except for the City of Berkeley.

7. Is a permit required to operate a MEHKO?

Yes

8. Can I use a sign in my window or in my yard to advertise my MEHKO?

Posting of signs and outdoor displays to advertise a MEHKO operation is prohibited.



Alameda County

Department of Environmental Health

9. How does a person who wants to operate a MEHKO obtain a permit from DEH?

An application can be picked up at the Department of Environmental Health office, located at 1131 Harbor Bay Parkway, Alameda, CA 94502 or visit the Department's website at <https://deh.acgov.org>. To qualify for a permit, a prospective operator must complete a "Microenterprise Home Kitchen Operation (MEHKO) – Application / Standard Operating Procedures (SOPs)" form for DEH review and approval and submit applicable fees. Once the application and SOPs are reviewed and approved by DEH, an initial inspection will be scheduled to verify compliance with requirements of state law. Once compliance is verified, a permit can be issued.

10. How long does the application process take for a MEHKO?

The application process is dependent upon accuracy and completeness of the submitted application. An inspector will contact the applicant within five (5) business days to confirm receipt of application and fees. Applicants must provide accurate contact information on the application to ensure timely response.

11. Does a person need any special training or certification to operate a MEHKO?

The permit holder of the MEHKO must successfully pass an approved and accredited food safety manager course. Any individual, other than the operator/permit holder, who is involved with the preparation, storage, or service of food in the MEHKO must obtain a food handler card from one of the accredited providers. For a list of approved food safety manager and food handler courses, visit the DEH website at <https://deh.acgov.org>.

12. Is a MEHKO allowed to have employees?

A MEHKO is allowed one full time equivalent employee who is an individual employed for the MEHKO, this does not include household or family members.

13. How often will a MEHKO be inspected?

MEHKOs receive one routine inspection per year. A routine inspection will be scheduled after a final onsite evaluation determines a permit-to-operate can be issued. Additional inspections may be scheduled in response to a complaint, a food safety emergency, if it is suspected that adulterated or otherwise unsafe food has been produced or served by the MEHKO, or if the MEHKO has violated state law (California Retail Food Code).

14. What areas of a private residence are inspected as part of a MEHKO?

The areas include the kitchen, dining area, food storage areas, restroom (toilet room), janitorial or cleaning areas, and trash storage areas. Any utensils and equipment used in the MEHKO must be easily cleanable and in good condition.

15. What are the rules for animals in a MEHKO?

MEHKOs are required to keep animals out of the kitchen during food service and preparation.

16. Are there any restrictions to the type of food a MEHKO can prepare and serve?

A MEHKO can prepare and sell food and beverages that have been approved by the local enforcement agency for same day on-site consumption or delivery with the exception of food or beverages that:



Alameda County

Department of Environmental Health

- 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 (HACCP) Plan such as:
 - o Smoking food as a method of food preservation
 - o Curing food
 - o Using food additives or adding components such as vinegar as a method of food preservation
 - o Operating a molluscan shellfish life support system display tank used to store and display shellfish that are offered for human consumption
 - o Using acidification or water activity to prevent the growth of Clostridium botulinum
 - o Packaging potentially hazardous food using a Reduced-Oxygen Packaging method
 - o Preparing food by another method that is determined by the lead local agency to require a HACCP Plan
- Involve the manufacturing of ice cream, cheese, yogurt, and other dairy products without a license from California Department of Food and Agriculture
- Contains alcohol without the appropriate liquor license from Alcohol Beverage Control (ABC)

17. Can a MEHKO add ingredients such as cannabis, CBD, or Kava to the food products sold from its operation?

No, California Department of Public Health (CDPH) and the Food & Drug Administration (FDA) prohibit a food facility from adding these ingredients to any food products offered to the public for consumption.

18. Is commercial grade equipment required in a MEHKO?

No, the existing equipment/appliances used in a MEHKO home kitchen must be kept clean, stored in a sanitary manner and maintained in good working order.

19. Is a MEHKO allowed to use an open-air barbecue or an outdoor wood-burning oven?

Yes, a MEHKO may use an open-air barbecue or an outdoor wood-burning oven as long as the barbecue or wood-burning oven is:

- Operated on the same property within reasonable proximity
- Not accessible by the public
- Not in a location that constitutes a fire hazard or creates a nuisance.
- Meets the requirements of the California Retail Food Code

20. Is a MEHKO allowed to sell or give away food products at temporary community events, a Certified Farmer's Markets, or any other mobile food facility?

No, an operator of a MEHKO cannot sell food products at a temporary community event, a Certified Farmer's Market, or any other mobile food facility.

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

Yes, only potable water from a properly constructed on-site drinking water well that is tested annually will be approved. Potable water means the water supply complies with the standards established by the California Safe Drinking Water Act.



Alameda County

Department of Environmental Health

22. Can homegrown fruits and vegetables be used in a MEHKO?

Yes, however, home gardens for MEHKO purposes should be registered by DEH as part of the application process. In addition, care should be taken to ensure all fruit and produce is grown and handled using best management practices associated with a community food producer and all produce must be thoroughly washed prior to use.

23. What records are required to be maintained for review by the local enforcement agency?

An operator of a MEHKO must maintain the following documents onsite for review upon request:

- Written standard operating procedures that include a menu and hours of operation
- A valid permit issued by DEH must be displayed onsite when the MEHKO is in operation.
- A copy of the most recent DEH inspection report
- Records of all receipts from MEHKO sales

24. If an operator moves to a new residence, do they need to go through the application process again?

Yes, DEH MEHKO permits are non-transferable. If an operator moves to a new residence, they must start a new application process.

25. Why will there be no grading placards posted at a MEHKO as at a fixed food facility or a mobile food facility?

The law exempts a MEHKO from any local grading system. However, as with fixed food and mobile food facilities, MEHKO inspection results are available at <https://deh.acgov.org>.

26. How can a potential customer determine if a MEHKO has an approved permit?

A MEHKO is required to display its valid health permit during hours of operation. Customers could also visit <https://deh.acgov.org> for information on a MEHKO permit status.

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

DEH should be made aware first and complaints involving nuisance concerns should be reported directly to the local city's Code Enforcement Division, or for unincorporated County areas to the Alameda County Community Development Agency Code Enforcement Division.

28. Are MEHKOs required to have thermometers?

A calibrated probe thermometer must be provided to check internal food temperatures. The thermometer must scaled 0°F to 220°F and be accurate to ± 2 degrees.

29. What is considered Approved Food Source?

Approved Food Source includes food obtained from local, state, or federally regulated food facilities such as markets, grocery stores, restaurants, community gardens, certified farmer's market, food banks, restaurant supply, manufacturer, etc.