



MICROENTERPRISE HOME KITCHEN OPERATIONS FREQUENTLY ASKED QUESTIONS (FAQs)

The California Health and Safety Code (i.e. California Retail Food Code) established a “microenterprise home kitchen operation” as a type of retail food facility that can operate from a private home. Santa Clara County is implementing a 3-year pilot MEHKO program, allowing the Santa Clara County Department of Environmental Health (DEH) to issue annual permits for MEHKO operations. Once permitted by the Santa Clara County Department of Environmental Health (DEH), a MEHKO can begin to sell food in their private home, with certain restrictions.

1. Q: What is a MEHKO?

A: A microenterprise home kitchen operation is a food business operated by a resident from their private home. Food is prepared, cooked and served to customers on the same day. Food is to be consumed at the MEHKO, picked up or be delivered to the consumer directly. No more than 30 meals can be prepared and sold in a single day, and no more than 60 meals can be prepared and sold in a single week.

2. 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 operate from a private residence.

3. Q: Who is considered a resident?

A: A resident is a person who lives in a home as their main residence.

4. Q: What type of food service is the MEHKO permitted to do?

A: A MEHKO may offer potentially hazardous foods (i.e., meat, poultry, rice, pasta, eggs, cooked vegetables etc.), **all food must be prepared, cooked, and served on the same day.**

5. Q: What are the menu limitations on a MEHKO?

A: An 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
- Make and serve frozen milk products

6. Q: Can alcoholic beverages be served or sold from a MEHKO?

A: Contact Department of Alcohol Beverage at www.abc.ca.gov



7. 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 (cookies, breads, popcorn, muffins, brownies etc.) that have been approved by the California Department of Public Health which may be sold directly or indirectly to the consumer where as a MEHKO allows for the limited preparation of potentially hazardous foods (meat, poultry, rice, pasta, eggs, cooked vegetables etc.) for onsite consumption or delivery when permitted by the local environmental health jurisdiction.

8. Q: Who can I sell my food to?

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

9. Q: Can a MEHKO donate food?

A: A MEHKO may donate food to a food bank or to any other nonprofit charitable organization as long as food has been handled safely. The donated food must remain within the 30 meals per day and /or 60 meals per week limitations and is donated the same day it is prepared.

10. Q: Can a MEHKO advertise in front of the home?

A: No, the MEHKO is not allowed to post signs or other outdoor displays advertising the MEHKO from a residence.

11. Q: Can a MEHKO advertise online?

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

12. Q: Can a MEHKO advertise using print media?

A: Yes, a MEHKO can advertise in a newspaper or other print media. The MEHKO must clearly identify the name of DEH that issued the permit, the permit number along with the following statement "Made in a Home Kitchen" in an easy to read font and location within the advertisement.

13. Q: Can a MEHKO use a third-party online delivery service, such as Uber Eats or DoorDash to deliver food?

A: No a MEHKO is not allowed to use any third party delivery service for food deliveries.

14. Q: What are the limitations for a MEHKO to hire food employees?

A: A MEHKO may have no more than one (1) full time equivalent food employee. A food employee is an employee who works with food.

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

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



16. Q: What certificates are required to operate a MEHKO?

A: A MEHKO owner must have a valid Food Safety Manager Certification (FSC). Food employees need valid food handler cards.

17. Q: How often will a MEHKO be inspected by the Department of Environmental Health?

A: A MEHKO will receive one scheduled routine inspection by Department of Environmental Health per year.

18. Q: Are there any special requirements regarding a private residential water well?

A: Yes, only potable water from a properly constructed and maintained onsite well or municipal water system can be used. Water quality lab test results for E. coli, total coliform, and nitrates- from a State Certified Laboratory must be provided to DEH. Lab results must be from a test taken within a year from the date of application submittal date.

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

A: Yes, clean toilet facilities, in good condition, need to be available for employees at all times and for customers when there is onsite consumption. Portable restrooms are not allowed.