



COMPACT MOBILE FOOD OPERATION (CMFO) FREQUENTLY ASKED QUESTIONS

Background

Effective January 1, 2023, the California Retail Food Code (CRFC) was amended to promote economic inclusion while modernizing the CRFC so that sidewalk food vendors can obtain a permit and join the regulated vending economy. The law established a new definition for Compact Mobile Food Operations (CMFO) and criterion for permitting. Below are frequently asked questions about these changes.

Permits

What is a compact mobile food operation (CMFO)?

A CMFO is a mobile food facility that operates from an individual or from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other **non-motorized unenclosed conveyance** that can be approved to sell packaged food or conduct limited food preparation.

When does the new law start?

It went into effect on January 1, 2023, but the first year will be focused on education and outreach. However, permits are still required to operate, and administrative fines may still be issued for operating without a permit.

Do I need a Health Permit from Environmental Health Services?

Yes, a permit is required, unless your compact mobile food operation has 25 square feet or less of display area and sells only prepackaged, non-potentially hazardous (non-perishable) foods or whole uncooked produce, in which case a permit is not required.

How do I measure 25 square feet of prepackaged non-potentially hazardous food (non-PHF) display to be exempt from permitting?

To be exempt from permitting, the total amount of floorspace for display and non-displayed food inventory must not exceed 25 square feet measurement. The footprint is limited to no greater than 5 feet x 5 feet.

Where can I get a permit to operate a Compact Mobile Food Operation (food cart)?

Visit smchealth.org/cmfo and complete the application form.

Once my food cart has been manufactured and approved, do I need a separate permit to operate my food cart?

Yes, a health permit must be obtained to operate the food cart.

Will I be inspected in the field? If so, how many inspections can I expect per year?

Yes, all permitted food carts will be inspected. The number of inspections will depend on the type of food offered on the food cart.

What type of food training do I need?

Food cart employees must hold a food handler card if handling open food. A food handler card must be obtained within 30 days of start of operation or hire.

Am I required to have a Food Safety Certificate?

No, however, a Food Safety Certificate is encouraged.

Do I need any other permits?

You may need a local business license or peddler's permit to sell food. Check with your local city and county Planning Department that you plan to sell food in.

Are we being given a one-year grace period to operate without a permit?

No. The California Retail Food Code requires all food facilities to obtain a health permit prior to operation.

What happens if I operate without a health permit?

A notice of violation will be issued initially followed by increasing administrative fines. However, after January 1, 2024, the enforcement agency can charge up to three times the cost of the permit fee in lieu of administrative fines for operating without a health permit.

Plan Check

Can I design my own food cart, or do I have to buy a prefabricated unit?

One can design their own food cart. Plans must be submitted to Environmental Health Services Food Facility Plan Check Program. All units will need a plan check final inspection even if it's a design that has been previously approved by Environmental Health Services. Visit smchealth.org/food-facility-plan-check-process for more details.

Can I use home or domestic appliances on my food cart?

No, you must use commercial equipment that has been certified and approved by Environmental Health Services. Electrical appliances must meet applicable Underwriters Laboratories standards for electrical equipment as determined by an ANSI-accredited certification program.

Do I need an integral three-compartment dish sink?

Yes, but only if you prepare raw meat, raw poultry, or raw fish on the cart. If not, an adequate amount of clean and sanitized utensils must be kept on the food cart for replacing utensils when soiled or every 4 hours if handling open food.

Do I need mechanical refrigeration?

Yes, if you are working with potentially hazardous foods, such as cut melons, cut tomatoes, milk products, cooked vegetables, meat, poultry, fish, food containing eggs, beans, or other protein-rich food such as soy products.

After the 1-year lapse, must a new plan be submitted?

Yes.

If the same cart is manufactured to satisfy different menus, is a plan required for each menu?

An evaluation will have to be conducted of the cart along with submission of Written Operating Procedures to ensure that the cart can support each proposed menu and operating plan. Additional fees may apply.

What kind of signage must be on the Compact Mobile Food Operation?

The food operation must have the business name in letters of at least 3 inches in a location that is clearly visible to the customer. The city, state, zip code, and name of the operator must be present in letters of at least 1 inch in size. The letters must be of a color that contrasts with the background.

Do I need to have signage if I sell less than 25 square feet of produce or prepackaged non-potentially hazardous food?

No. A food operation that has less than 25 square feet of whole raw produce or prepackaged nonperishable food is exempt from signage requirements.

Food Operations

What is considered a “prepackaged food”?

Food is considered prepackaged when it has been processed in a permitted food facility or food establishment and properly packaged to prevent any direct human contact between the food product and the consumer prior to consumption and labeled to include the common name of the item, a list of ingredients in descending order of predominance by weight, quantity such as weight, and name and address of the place of business of the manufacturer.

What kind of food can I prepare from a CMFO?

The type of food that can be prepared depends on the type of food cart that has been manufactured. Some considerations:

- If the cart doesn't have sinks, it is limited to prepackaged food items and raw, whole produce.
- If it has a hand washing sink, it may prepare food in accordance with limited food preparation requirements, excluding raw meats, raw poultry, or raw fish.
- If the cart has a utensil washing sink and a hand washing sink it may prepare food following limited food preparation requirements, including raw meats, raw poultry, and raw fish.

What is limited food preparation?

Limited food preparation is food preparation that is restricted to the following, based on the proposed menu and your food cart's ability to support safe preparation and food storage:

1. Heating, frying, baking, roasting, popping, shaving of ice, blending, steaming, or boiling of hot dogs, or assembly of non-prepackaged food.
2. Dispensing and portioning of non-potentially hazardous food (non-PHF) or dispensing and portioning for immediate service to a customer of food that has been held at the required temperatures.
3. Slicing and chopping of non-PHF food or produce that has been washed at an approved facility or slicing and chopping of food on a heated cooking surface during the cooking process.
4. Cooking and seasoning to order.

5. Juicing or preparing beverages that are for immediate service, in response to an individual consumer order, that do not contain frozen milk products.
6. Hot and cold holding of food that has been prepared at an approved permanent food facility.
7. Reheating of food that has been prepared at an approved permanent food facility.

What is non-potentially hazardous food?

Food that does not require refrigeration or hot holding to prevent bacterial growth and is unlikely to cause food borne illness. Some examples include cut mango, cut cucumbers, cut jicama, pretzels, churro.

Do I need overhead protection?

Yes, this can include sneezeguards, canopies, food compartments, etc.

Can I sell tamales that were prepared in an approved commissary on the food cart?

It all depends on the type of food cart you have. If you have a food cart with a hand sink, you may be approved to sell tamales in the husk from the permitted cart. If the food cart does not have a hand sink, the tamales must be prepackaged and properly labeled prior to sale on the food cart.

Can I prepare food at home?

The only food that can be prepared at a private home is food that has been produced by a Class B Cottage Food Operator and only those approved foods can be sold from the food cart.

Can I take unsold food back home to use again later or the next day?

Only uncooked whole fruit and whole vegetables or prepackaged non-potentially hazardous foods may be stored at a private home. All potentially hazardous foods prepared or served from a food cart must be discarded at the end of the day.

Where can I get a list of food allowed under a Class B Cottage Food Operation permit?

Information related to foods allowed under Class B Cottage Food Operation permits can be found on our website at: smchealth.org/cottage-food-operations

How can I get a Cottage Food Operation - Class B permit?

Please visit smchealth.org/cottage-food-operations to start an application.

Commissary Requirements

What is a commissary?

A commissary is a food facility that has been approved by Environmental Health Services to support the proposed operation of a food cart where any of the following occur:

1. Food, containers, and supplies are stored.
2. Food is prepared for sale or display on the food cart.
3. Food is prepackaged for sale or display on the food cart.
4. Utensils are cleaned and sanitized.
5. Potable water is obtained.
6. Liquid and solid wastes are disposed.
7. Carts are washed.
8. Water tanks are filled, and wastewater tanks are emptied.

Do I need a commissary?

It all depends on the type of food cart and proposed method of operation. To determine the type of commissary that you may need for your operation, contact Environmental Health Services Food Facility Plan Check Program at (650) 372-6200.

Do I need to store my food cart at a commissary?

It depends on what you are selling. The California Retail Food Code was expanded to provide more options for the storage of a food cart. Options now include:

- A Class B Cottage Food Operation may store two food carts used to sell the food produced by the Cottage Food Operation.
- A private home upon endorsement from Environmental Health Services can store two food carts used to sell non-potentially hazardous prepackaged food and raw whole produce.
- Permanent permitted food facilities can serve as a commissary for food carts that sell prepared food.

Can food be prepackaged at a commissary?

If a commissary has been permitted for food preparation, then yes, food can be properly packaged and labeled to prevent any direct human contact with the food product and the consumer prior to consumption.

Can I package non-potentially hazardous food items at a permitted commissary and sell them prepackaged from a food cart without a permit? If so, what kind of labels does it need?

No, you are required to have a public health permit if you are packaging food.

Can I use my home to store my food cart?

If you are not permitted as a Cottage Food Operation-Class B, you may be allowed through an endorsement by Environmental Health Services to store up to two food carts in your home. You may also store prepackaged, non-potentially hazardous foods and whole produce in your home for sale on the food cart. A separate commissary is required for a food cart that sells and/or prepares any foods, in addition to the home cart storage.

What is an endorsement?

An endorsement is a documented and recorded approval of compliance with code requirements issued by Environmental Health Services. An endorsement may include an inspection or evaluation but does not require a registration or permit. A one-time fee is charged for this service.

What does the endorsement or evaluation include?

A site visit to determine that the storage in the private home will not pose a public health hazard and there is sufficient room to store carts in a manner that protects the food carts from contamination.

Do I need to own my home to store food carts here?

No, but you should check with your landlord to confirm storing food carts is allowed onsite and if running a business from your home is allowed.

Can my Cottage Food Operation serve as a commissary for a Compact Mobile Food Operation?

A Class B permitted Cottage Food Operation may serve as a commissary for up to two food carts after an evaluation is completed by Environmental Health Services. Only approved cottage food made at a permitted Cottage Food Operation can be sold on the food cart. Other commercially prepared prepackaged, non-potentially hazardous foods, such as bottled water and soda, may also be sold.

Operational Requirements

Do I need access to restrooms when I am selling food?

Yes, if the food cart is stopped in one location for longer than one-hour, restrooms must be located within 200 feet of the food cart unless at least two employees are present on site.

Can I rent a portable toilet instead of operating within 200 feet of an approved restroom?

No.

Do I need a handwash sink?

Yes, if you will be handling open food on the food cart.

Do I need hot water for handwashing?

No, unless you are handling raw meats, raw poultry, or raw fish. If you intend to have any of these raw food items on the food cart, additional sinks and hot water requirements apply.

Contact Information

For additional questions contact Environmental Health Services at (650) 372-6200. Visit smchealth.org/cmfo for more information.