

FREQUENTLY ASKED QUESTIONS

ph.lacounty.gov/mehko | homebasedfoods@ph.lacounty.gov | (626) 430-9855

A **microenterprise home kitchen operation (MEHKO)** is a food facility that is operated like a restaurant by a resident from their private kitchen. Once permitted, a resident can store, handle, prepare, and serve food to the public, as allowed by State law, similar to a small-scale restaurant. State law requires that MEHKOs limit the number of meals that can be served, limit the revenue that can be earned annually, and determine how specific foods can be prepared.

Below are frequently asked questions and answers to help guide you through your MEHKO journey.



GENERAL

1. What is Microenterprise Home Kitchen Operation (MEHKO) and how does it work?

A MEHKO is a small-scale, home-based restaurant where food is prepared, handled, and served to customers directly from the cook's private home kitchen. The food must be made and served on the same day; it can be eaten on-site, picked up by customers or delivered to the customers.

Here's how it works:

Ordering: Customers can place orders on-site, through an internet website, or a mobile app approved by the State – see the approved internet food service intermediary list: <https://bit.ly/IFSI-CDPH>

Delivery: Food is delivered by members of the MEHKO that have obtained a Food Handler's Card, not through third-party delivery apps, like Uber Eats, Grub Hub, etc., unless the delivery is for an individual who has a physical or mental disability.

Restrictions: MEHKOs cannot sell their food to stores or operate as a wholesale facility. MEHKOs cannot act as catering or cottage food businesses. This ensures a unique dining experience, offering homemade meals directly from the cook's kitchen to the customer.

2. When will MEHKOs become legal in Los Angeles County?

The Los Angeles County Board of Supervisors reviewed and approved the Microenterprise Home Kitchen Operations (MEHKO) ordinance in **May 2024**. Applications can be submitted beginning October 7, 2024, with permitting to begin **November 1, 2024**. Please check the timeline on our website for the most current information: ph.lacounty.gov/MEHKO.

3. What is meant by “private home kitchen”?

A private home kitchen is defined as a food facility that is operated by a resident in their own home when permitted by the Environmental Health Division. This is where food has been approved to be stored, handled, and prepared for customers.

4. What is the definition of a food employee?

A food employee is an employee who works with food, food equipment, utensils, or food contact surfaces and has obtained a food handler card.

For more information about California Labor Laws visit: <https://www.dir.ca.gov/DLSE/dlse.html>

OPERATION

5. If a person is renting a private residence/apartment or lives in a home with Homeowner’s Association (HOA), can they still operate a MEHKO?

Before applying for a MEHKO Health Permit do the following:

- Review the lease agreement to see if there are any restrictions to operating a home-based business out of the residence/apartment.
- If you have an HOA, make sure that a MEHKO is allowed by your HOA.

6. What is the difference between a MEHKO and a Cottage Food Operation (CFO)?

A MEHKO and a CFO both let people cook and sell food from their homes, but they are different in a few ways. A CFO can sell non-potentially hazardous foods that have been approved by the California Department of Public Health directly to consumers, at temporary events with an additional permit, and to a retail food facility (only for CFO class B). (<https://bit.ly/CDPHCottageFoods>). A MEHKO cannot sell at a Temporary event to another food facility. A MEHKO can make and sell potentially hazardous foods directly to consumers along with a permitted Compact Mobile Food Operation (CMFO), if approved by the Environmental Health Division.

To learn more, check out MEHKO vs CFO: ph.lacounty.gov/MEHKO

7. Can a person operate both a CFO and a MEHKO in their residence?

No, a person cannot operate both a CFO and a MEHKO in their residence. According to California Code, Health and Safety Code, section 113825, a MEHKO does not include a CFO.

8. Can a person operate a Compact Mobile Food Operation (CMFO) and a MEHKO?

Yes, a MEHKO and a CMFO may operate together by the same operator, with the appropriate permits. The MEHKO may support a CMFO by serving as a commissary kitchen, and if approved, the MEHKO may store up to two (2) food carts at their residence.

To learn more, check out MEHKO vs CMFO – What’s the Difference: ph.lacounty.gov/MEHKO

9. Are multiple people living in the same residence allowed to each operate a CFO or MEHKO in that residence?

No, multiple people cannot operate a CFO or a MEHKO in the same residence. Only one person may operate a CFO or MEHKO per residence.

10. What is considered a meal for MEHKOs?

For MEHKOs, a meal is generally defined to include various dishes that a typical person can consume in one sitting. A meal may include one or more of the following: a main dish, appetizers, side dishes, beverages, baked goods, or desserts.

For more information, please review [Assembly Bill 1325](https://bit.ly/AB-1325): <https://bit.ly/AB-1325>.

11. Can a MEHKO have employees?

A MEHKO is limited to one full-time employee (up to 40 hours a week) or multiple employees where the total working hours for all employees combined do not exceed 40 hours per week; that does not include a family or a household member.

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

A MEHKO may sell up to 30 meals per day, but no more than 90 meals per week. The MEHKO can earn a maximum of one-hundred thousand dollars (\$100,000) in verifiable (example: invoices) gross annual sales. Records of all sales must be kept so that compliance with this limitation can be verified.

A MEHKO operating in conjunction with an approved Compact Mobile Food Operation (CMFO) may sell up to 80 meals per day, but not more than 200 meals per week, and can earn a maximum of one-hundred fifty thousand dollars (\$150,000) in verifiable gross annual sales.

13. Who can I sell my food to?

Food must be sold directly to a customer for onsite consumption, pick-up, or delivery.

14. Are there any restrictions to the type of food a MEHKO can serve?

A MEHKO can prepare and sell foods that have been approved as part of their menu by the Environmental Health Division.

A MEHKO business **may not** prepare food or beverages that:

- Involves the production, service, or sale of raw milk or raw milk products.
- Involves raw bottled juice from home.
- Involves the service or sale of raw oysters.
- Involves food processes that require a Hazard Analysis Critical Control Point Plan (**HACCP**). 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.

15. Can I keep leftovers to serve the next day, or prepare foods, including condiments, sauces, or beverages in advance?

Leftovers cannot be served the next day as part of the MEHKO operation. Condiments, sauces, and beverages must be prepared and served on the same day.

16. Can a MEHKO package food or beverages?

A MEHKO may portion food into containers for same-day pick-up or delivery service. Beverages may be packaged in to-go containers for same-day consumption.

17. Can alcoholic beverages be sold from a MEHKO?

Selling alcohol or cooking food that contains alcohol requires a specific license from the Department of Alcoholic Beverage Control (ABC). Contact ABC for more details at <https://bit.ly/ABCMEHKO>.

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

Yes, however care should be taken to ensure all fruit and produce is grown and handled using food safety practices. All produce must be thoroughly washed before using.

19. Can a MEHKO add in cannabis, CBD, or Kava to the products they sell as part of their operation?

No, current restrictions imposed by the California Department of Public Health (CDPH) and the FDA prohibit a food facility from adding these ingredients into any food products that are offered to the public for consumption.

20. Can a MEHKO operate as a caterer?

No, a MEHKO is not permitted to operate as a Catering Operation.

21. Can an operator of a MEHKO sell food products at temporary events or at Certified Farmer's Markets?

No, a MEHKO cannot sell food products at a temporary event or certified farmer's market. MEHKOs are limited to direct sales from home, pick-up, or delivery.

22. Can an operator of a MEHKO donate food?

A MEHKO may donate food to a person if the food has been handled in compliance with the California Health and Safety Code, <https://bit.ly/CalCode>, and is donated the same day it is prepared. The donation of perishable foods must be made in good faith and safe for human consumption.

23. Where can I advertise my MEHKO business?

MEHKOs are not allowed to have signs that advertise their business on the MEHKO property. MEHKOs may advertise in other ways. For example, MEHKOs may use an internet food service intermediary (IFSI) or other online platforms that lists or promotes the MEHKO on its Internet website, mobile application, or social media. They can also advertise in a newspaper, newsletter, or other public announcement. MEHKO advertisement should include the following information:

- the name of the local enforcement agency that issued the permit (Los Angeles County Department of Public Health, Environmental Health Division).
- the permit number.
- the statement "Made in a Home Kitchen". "Made in a Home Kitchen" statement needs to be in a clear, visible font and location within the advertisement.

24. How often will a MEHKO be inspected?

The first inspection will occur before a permit is issued as part of the initial application review. After receiving the permit, a MEHKO is inspected once a year. If there are complaints or concerns about compliance, additional inspections can occur. Owners will be notified ahead of these inspections to agree on a suitable time. Additionally, a MEHKO will be inspected if there is a change in the Standard Operating Procedure (SOP).

25. What areas of a private residence will be permitted and inspected as part of a MEHKO?

The areas of a MEHKO that will be approved, permitted, and inspected include areas such as the kitchen (utensil and equipment washing areas), onsite customer eating area, food and equipment storage areas, bathroom, and trash storage area (this includes garbage, recycling, and composting areas).

26. What records are required to be maintained for review by the Environmental Health Division?

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

- Written Standard Operating Procedures (SOP) that include a menu, and hours of operation.
- The Public Health Permit to operate. It should be on display at all times during the MEHKO operating hours.
- A valid food safety manager certification for the operator and valid food handler card(s) for all food employees.
- A copy of the most recent inspection report.
- Copies of the MEHKO records documenting gross annual sales and number of meals sold on a regular basis.

27. Is a letter grade/placard required to be posted at a MEHKO like it is at a permanent food facility or a mobile food facility?

The law exempts a MEHKO from any local grading system. Inspection report data and violation information relating to any inspections conducted at a permitted MEHKO can be found at <http://publichealth.lacounty.gov/eh/i-want-to/view-inspection-results.htm>.

28. Is commercial grade equipment required in a MEHKO?

No. Commercial equipment and/or appliances are not required. Equipment/appliances must be kept clean, stored in a sanitary manner, and in good working condition.

29. Can a MEHKO use 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 if the following conditions are followed:

- Barbecue or oven is operated on the same premises as a MEHKO
- It is separate from public access
- It is not in a location that can cause a fire hazard
- Meets the requirements of the [California Health and Safety Code, Section 114143](#).

30. Are restrooms required to be available for MEHKO customers?

Yes, clean bathrooms, in good condition, that are properly stocked with soap that is in a dispenser, single-use paper towels, and warm water should be available for employees and customers who eat on site when there is onsite consumption.

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

If you have complaints about smells, traffic, parking, or loud noise, you should report them to your city's Code Enforcement Department. If you're in an area without a city government, called an unincorporated area, report these issues to: <https://bit.ly/pw-lacounty>.

32. If I am using a private well for my home-based food operation (MEHKO), do I need to follow any specific water testing guidelines?

Yes, if you use a private well for your MEHKO, you are required to submit test results for bacteria, nitrate, and nitrite with the MEHKO application. For more questions on water well testing please refer to the document on this website ph.lacounty.gov/MEHKO.

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

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 or local city code enforcement for any additional restrictions on the disposal of fats, oils, or grease.

34. What information is required in a MEHKO's standard operating procedures?

To apply for a MEHKO Public Health Permit, you will need to complete and submit a Standard Operation Plan (SOP). You will use this document to include the details below:

- **Types of Food:** List all the different foods or menu items you'll be making.
- **Food Preparation:** Describe how you'll prepare and handle the food.
- **Cleaning and Waste Disposal:** Explain how and when you'll clean your tools and kitchen and how you'll get rid of garbage.
- **Keeping Food Safe:** Show how you will keep food at the right temperature until it's given to the customer, including during delivery if applicable.
- **Operating Hours:** Tell us what days and times you plan to use your kitchen for the MEHKO.
- **Serving Food:** State whether food will be eaten on-site, delivered, picked up by customers, or a combination of these options.
- **Employees:** Include the number of employees who will work at the MEHKO.

Visit our website to obtain a SOP: ph.lacounty.gov/MEHKO

35. Do you have to live in the home where you operate your MEHKO?

Yes, the person running the MEHKO must live in the home where it's located. This must be your place of residence, not just a place to cook while you live somewhere else. This home can be a house, apartment, duplex, condo, or a mobile home located in an approved mobile home park under authority of the [California Department of Housing and Community Development](#). Mobile homes set up on other properties, must have approval from the local building and safety, and regional planning authorities.

36. Can a MEHKO sell food to stores or wholesale businesses?

No, a MEHKO can only sell food directly to customers. Customers can order food directly from the MEHKO, in person, or through an approved website or a mobile app.

37. Can a MEHKO make and sell homemade ice cream, cheese, or other dairy products?

MEHKOs may sell commercially made (store bought) ice cream, cheese, and milk products that are pasteurized. However, making dairy products at home is not allowed because their production requires a specific health and safety license. This license ensures that dairy products meet strict safety standards to protect public health.

38. Can a MEHKO use a third-party online delivery service, such as Uber Eats or Door Dash to deliver food?

No, a MEHKO is not allowed to use a third-party delivery service for food deliveries. However, food may also be sold through an internet website or a phone-based mobile app belonging to an Internet Food Service Intermediary, but delivery must be by the MEHKO operator or a member of the MEHKO.

39. What happens if someone reports getting sick after eating food from a MEHKO?

If customers report getting sick from food or drinks, they purchased from a MEHKO, the steps below will occur:

- An inspector will contact the MEHKO owner to schedule a visit to the kitchen.
- They will check the kitchen to see if there are any food safety problems.
- If there are issues, the inspector will help the owner learn how to fix them and make sure everything is safe for customers.
- The kitchen may be revisited to ensure that everything remains safe.
- The MEHKO owner may have to pay fees for the inspection and follow-up visits.

40. What information is available to assist a MEHKO to operate in a safe and healthy way?

Please visit ph.lacounty.gov/MEHKO for information and updates on operating a MEHKO.

PERMITTING

41. Is a permit required to operate a MEHKO?

Yes, a Public Health Permit is required be obtained from the Los Angeles County Department of Public Health, Environmental Health Division prior to operating a MEHKO.

42. How do I obtain a MEHKO permit?

To obtain a MEHKO permit, submit an application packet to the Environmental Health Division, including the following documents:

- A completed Standard Operational Procedures (SOP) form. Please visit ph.lacounty.gov/MEHKO for the form.
- Menu.
- A copy of the operator's Food Protection Manager's Certificate.
- Copies of Food Handler Cards for any employees or family/household members assisting in the preparation, storage, or service of food in the MEHKO.
- A copy of well-water test results for nitrate, nitrite, and bacteriological water quality, if using well-water.
- Payment for the initial inspection and application review.

Visit <https://bit.ly/ANSI-FoodManager> to find an Accredited Certified Food Protection Manager's Program or visit <https://bit.ly/ANSI-FoodHandler> to find an Accredited Food Handler's Program.

After submitting your packet, it will be reviewed, and an initial inspection will be scheduled. If your kitchen is approved after the inspection, you will be invoiced for the permit fee. Do not submit permit payment until you receive the invoice. Upon invoice payment, your Public Health Permit for MEHKO will be mailed to you.



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

The duration of the MEHKO application process varies and is determined by the level of detail and completeness of the application package and if the kitchen passes the site evaluation.

44. I have a MEHKO permit for my current residence and will be moving. Is my permit still valid for my new residence?

Permits are not transferable to other people or other locations. Permits are issued and only valid for the person, location, and menu items initially approved. If the MEHKO permittee moves, or changes their menu or equipment, they must contact the Environmental Health Division within 20 days. A new Standard Operating Procedure for menu or equipment changes and a new Public Health Permit application for the new location, will need to be submitted.

45. What if I want to change my menu after I have obtained a permit as a MEHKO?

If you plan to change your menu after receiving a MEHKO permit, it is necessary to inform the Environmental Health Division within 20 days before making changes. You may be required to submit an updated Standard Operating Procedures document and Public Health Permit application for site evaluation, undergo additional steps, such as a home evaluation. Contact the Homebased Food Operations Program at homebasedfoods@ph.lacounty.gov or (626) 430-9855 for assistance.

46. How does a customer determine if a MEHKO has an approved permit?

A MEHKO is required to display their permit, or a legible copy, during hours of operation at the point of service area, e.g., dining area or pick-up area. Customers can also visit the EH website to determine if a MEHKO has a valid permit at <http://publichealth.lacounty.gov/eh/i-want-to/view-inspection-results.htm>.

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

The operator and all other individuals involved with the preparation, storage, or service of food in the MEHKO are required to successfully pass an approved and accredited food safety examination from the American National Standards Institute (ANSI). The operator shall pass a Certified Food Protection Manager course and obtain a certificate. All other individuals involved with handling food in the MEHKO are required to obtain a Certified Food Handler card.

Visit <https://bit.ly/ANSI-FoodManager> to find an Accredited Certified Food Protection Manager's Program or visit <https://bit.ly/ANSI-FoodHandler> to find an Accredited Food Handler's Program.