



**California Conference  
of Directors of  
Environmental Health**

# Compact Mobile Food Operations Guidelines for Environmental Health Agencies

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# COMPACT MOBILE FOOD OPERATION (CMFO) GUIDELINES

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## OVERVIEW OF SB972 – COMPACT MOBILE FOOD OPERATIONS

On September 24, 2022, Senate Bill 972 (Gonzalez) was enacted and becomes effective January 1, 2023. This new bill changes the California Retail Food Code by establishing a new Chapter in the California Retail Food Code (CRFC) titled “Compact Mobile Food Operations.” These changes were intended to promote economic inclusion while modernizing the CRFC so that sidewalk food vendors can obtain a permit and join the regulated vending economy.

These guidelines have been developed to assist local enforcement agencies and are not meant to be inclusive of all local and state requirements but intended to provide a summary of the requirements contained within the California Retail Food Code (CRFC).

## WHAT IS A COMPACT MOBILE FOOD OPERATION?

A compact mobile food operation (CMFO) is defined as a type of mobile food facility operated from any of the following:

- An individual, stand, showcase, rack, display – limited to the sale of prepackaged nonpotentially hazardous foods (nonPHF) or whole uncooked produce.

### **Notes:**

- Food must be displayed on shelving or racks that are 6” above the ground surface.
- May be exempt from permitted if offering 25 sq. ft. or less of prepackaged nonPHF or whole uncooked/unprocessed produce, which includes back-up inventory not on display
- A pushcart, pedal-driven cart, wagon, or other nonmotorized conveyance - that may be approved for prepackaged food or limited food preparation.

A CMFO:

- Must meet all the requirements listed in Chapter 10 (Mobile Food Facilities), except as provided for in the new Chapter 11.7 (Compact Mobile Food Operations).
- Is required to operate in conjunction with a commissary, mobile support unit or other facility approved by the enforcement agency.

## PLAN CHECK PROCESS FOR MANUFACTURING OF A CMFO

These new changes within the CRFC provides for a new plan check process for the manufacturing of a cart constructed using a model plan. (*Note: Refer to CCDEH CMFO PLAN CHECK GUIDELINES*)

General plan check process includes:

1. Contacting the local environmental health agency for plan check guidelines.
2. Submitting complete, easily readable plans that are drawn to scale and include equipment specifications along with the applicable plan review fee.
3. Submitting proposed menu and standard operating procedures (for food handling and the cleaning and sanitizing of food-contact surfaces and utensils).
4. Once approved, submitting an application for a Health Permit along with applicable fees to operate.

## OVERVIEW OF STRUCTURAL/OPERATIONAL REQUIREMENTS FOR A CMFO

Operational Requirements	Prepackaged* non-potentially hazardous food (greater than 25 square feet)	Prepackaged* potentially hazardous food	Limited food preparation (hot/cold holding, dispensing, portioning, slicing/chopping)	Limited food preparation with raw meat, raw poultry or raw fish
Food handler card	Not required	Not required	Required	Required
Overhead protection	Required	Required	Required	Required
Food from approved source	Required	Required	Required	Required
Food properly stored	Required	Required	Required	Required
Integral equipment	Not required	Required	Required	Required
Mechanical refrigeration	Not required	Required	Required	Required
Three-compartment sink	Not required	Not required	Not required - may provide adequate utensils in lieu of three-compartment sink	Meet Chapter 10 requirements for a MFF
Handwashing sink	Not required	Not required	Required - warm water not required	Meet Chapter 10 requirements for a MFF
Food to be disposed at end of operating day	Not required	Required	Required	Required
Access to commissary	Required	Required	Required	Required
Access to restrooms	Allows for exemption if the CMFO is operated by multiple employees or operators			
* <i>Prepackaged food means any properly labeled processed food, prepackaged to prevent any direct human contact with the food product upon distribution from the manufacturer, a food facility, or other approved source.</i>				

### STRUCTURAL REQUIREMENTS

- The business name or name of operator (3" high), city, state, ZIP code, and name of permitholder if different from the name of the facility (1" high), shall be legible, clearly visible to consumers and permanently affixed on the consumer side of the CMFO.
- All equipment shall be designed and made of materials that result in smooth, readily accessible and easily cleanable surfaces as specified in CRFC Section 114301.
- Mechanical refrigeration is required for a CMFO that handles potentially hazardous foods (exception for prepackaged frozen ready-to-eat foods, such as ice cream or paletas)
- All equipment shall be certified or classified for sanitation and be integral with the conveyance.
- If conducting limited food preparation:
  - A warewashing sink shall be provided (as an integral part of the CMFO or if a site-specific CMFO adjacent to) or CMFO shall maintain an adequate supply of spare preparation and serving utensils along with the ability to store clean and soiled utensils

- An integral handwashing sink with a minimum 5 gallons of water for handwashing with a minimum dimension of nine inches by nine (9x9) inches in length and width and five inches in depth and easily accessible by food employees. Water flow must be pressurized; a container with a gravity-fed dispenser does not meet these requirements.
- The wastewater tanks shall have a minimum capacity that is 50 percent greater than the potable water tank.
- Food preparation counter space shall be adequate to support the food operation, and adjacent to all cooking equipment.
- Food preparation shall be conducted within a food compartment or as approved by the enforcement agency.
- A separate cabinet or drawer shall be installed for the storage of insecticides or other poisonous substances, if used.
- A first aid kit shall be provided and located on the CMFO in a convenient area in an enclosed case.
- A properly charged and maintained minimum 10 BC-rated fire extinguisher to combat grease fires shall be properly mounted and readily accessible on a CMFO that is equipped with heating elements or cooking equipment.
- Restrooms shall be available within 200 feet travel distance for food employees whenever the CMFO is stopped to conduct business for more than one-hour period. This does not apply when the CMFO operates with multiple food employees.
- Retain a copy of approved Standard Operating Procedure on the CMFO during periods of operation.

## FOOD EMPLOYEE REQUIREMENTS

Any individual that is involved in the preparation, storage or service of food at a CMFO must have a valid food handler card (unless they possess a valid food manager certificate) as a condition of permit issuance - or within the required time for those enforcement jurisdictions that administer their own food handler program.

*For more information on accredited food certification or food handler programs, visit (insert your local EHD landing page w/ list of training options) or the following website: <https://www.ansica.org/wwwversion2/outside/ALLdirectoryListing.asp?menuID=8&prqID=8&status=4>*

In addition to completing the above training requirements, the person-in-charge and all food employees shall have adequate food safety knowledge and be able to demonstrate their food safety knowledge as it relates to their assigned duties. Such as:

- Understanding the importance of employee health and hygiene, including but not limited to handwashing practices and exclusion of ill food employees.
- Ability to demonstrate how cooking, cooling and reheating temperatures are verified using a calibrated food temperature measuring device with a suitable probe thermometer that is designed to measure the foods being prepared is to be available.
- Ability to demonstrate how to prevent cross-contamination during the preparation and storage of food.

- Ability to demonstrate how to properly wash, rinse and sanitize equipment and utensils within the warewashing sink and how to clean and sanitize food-contact surfaces to prevent cross-contamination.
- Determining which type of sanitizer will be used and obtain the appropriate test strips to measure concentration.

## **FOOD DISPLAY AND STORAGE**

- Overhead protection must be provided above all food display areas.
- All food intended for retail sale shall be conveyed, held, stored, displayed, or served from the CMFO.
- Food must be from an approved source and properly labeled.
- All potentially hazardous food must be displayed and stored at required holding temperatures.
- The surrounding area, as relating to the operation of food service, shall be maintained in a sanitary condition.
- For CMFO that operates from an individual, stand, showcase, rack or display:
  - Food must be displayed on shelving or racks that are 6" above the ground surface.
  - Food sales are limited to the sale of nonpotentially hazardous prepackaged food or whole produce.

***No public health permit is required when sales are limited to 25 square feet or less of prepackaged nonpotentially hazardous food. All food must be protected from contamination and from an approved source.***

## **FOOD PREPARATION LIMITATIONS**

A CMFO may only conduct limited food preparation:

- **New:** Dispensing and portioning of nonpotentially hazardous food (nonPHF) or dispensing and portioning for immediate service to a customer of food that has been held at the required temperatures.
- **New:** Slicing and chopping of nonPHF food or produce that has been washed at an approved facility.
- **New:** Hot and cold holding of food that has been prepared at an approved permanent food facility.
- **New:** Reheating of food that has been prepared at an approved permanent food facility.
- Heating, frying, baking, roasting, popping, shaving of ice, blending, steaming or boiling of hot dogs, or assembly of non-prepackaged food.
- Slicing and chopping of food on a heated cooking surface during the cooking process.
- Juicing or preparing beverages that are for immediate service, in response to a individual consumer order, that do not contain frozen milk products.
- No leftover food can be used as part of the preparation for next-day service or sold on subsequent days.
- At the end of the operating day, potentially hazardous food that is prepared on or served from a CMFO shall be disposed.

## **FOOD PREPARATION RESTRICTIONS**

A CMFO cannot prepare the following food items:

- Raw meats, raw poultry or raw fish unless the CMFO meets warewashing and handwashing requirements outlined in Chapter 10 for mobile food facilities.
- Smoke or cure food as a method of preservation.
- Cure or pickle food.
- Use food additives as a method of food preservation (e.g. sushi rice to be held at room temperature).
- Reduced-oxygen packaging of food (e.g. vacuum packaging, sous-vide).
- Produce, serve, or sell raw milk or raw milk products (Section 11380, Title 17 CCR).
- Serve or sell raw oysters.

## **OPERATING A CMFO IN CONJUNCTION WITH A COTTAGE FOOD OPERATION (CFO)**

To operate a CMFO in conjunction with a CFO, an operating permit for each CMFO is required. As a condition of the permit, an evaluation of the permitted CFO will be required to ensure that additional food preparation and storage of the CMFO can be safely supported within the residential home.

- A cottage food operation may only be evaluated for the storage of up to 2 CMFO.
- Nonconforming structural conditions can be approved if no public health hazard is determined.
- The Cottage Food Operation is required to obtain a permit as a Cottage Food Class B operation.
- Cottage foods prepared within the home may be sold from the CMFO.
- Gross annual sales are limited to \$150,000 (adjusted annually based on CPI).

*Note: Sales from the CMFO(s) do not count toward the annual gross sales restrictions if the governing body has authorized this action.*

*Note: Another helpful resource on CFOs is the CCDEH CFO Guidelines*

## **OPERATING A CMFO IN CONJUNCTION WITH A MICROENTERPRISE HOME KITCHEN OPERATION (MEHKO)**

To operate a CMFO in conjunction with a MEHKO, a separate permit and evaluation will be required to ensure that additional food preparation and storage of the CMFO can be safely supported within the residential home.

- A MEHKO may only be evaluated for the storage of up to 2 CMFO, if authorized by the local governing agency.
- Nonconforming structural conditions can be approved if no public health hazard is determined.
- Gross annual sales are limited to \$50,000 (adjusted annually based on CPI), unless adjusted by the local governing agency

*Note: Sales from the MEHKO do not count toward the annual gross sales restrictions if the governing body has authorized this action.*

- The MEHKO that uses a CMFO to sell its approved food must also be the permit holder of the CMFO.

*Note: Another helpful resource on MEHKOs is the CCDEH MEHKO Guidelines*

## **PRIVATE HOME CMFO STORAGE REQUIREMENTS**

To obtain approval for the storage of a CMFO within a home, the residential home will be evaluated to ensure that the proposed storage safeguards public health. The following items will be evaluated to determine if the proposed operation can be conducted:

- Only prepackaged nonpotentially hazardous foods and whole produce may be stored in the home prior to sale or preparation of that food in a CMFO.
- No more than 2 CMFO's can be stored in a private home of the permit holder.
- No food can be prepared within a home unless permitted as a CFO or MEHKO.
- CMFO storage area must be designated and clearly identified so that the CMFO is protected from contamination. The designated area cannot change without approval.

### *Notes:*

- *A local ordinance may prohibit the use of a private home for the storage of a CMFO.*
- *No registration or permit is required for storage of a CMFO within a private home; however, a site evaluation to determine approval in the form of an endorsement is required. Any additional inspections will be based on consumer complaints or reason to suspect.*

## **EXPANDING APPROVAL FOR USE OF A PERMANENT FOOD FACILITY OR COMMERCIAL FOOD OPERATION TO SUPPORT STORAGE OF MFF**

- No plan submission is required, a site evaluation may be required
- The purpose of the site evaluation is to determine if the proposed operation and storage of a compact mobile food facility can successfully provide the necessary functions of a commissary
  - Handling and disposal of liquid waste
  - Handling and disposal of garbage and refuse
  - Ability to properly wastewater tanks with potable water
  - Hot and cold water under pressure for cleaning of the CMFO
  - Adequate facilities for the storage of food, utensils, and other supplies
  - Have electrical outlets when required

## **APPLYING FOR A HEALTH PERMIT**

1. A local Environmental Health Division/Department permit is required and will include submission of an application, Standard Operating Procedure (SOP) and payment.
2. Additional permits or licenses may be required by local city or county building or planning department
3. An ABC license may be required if the CMFO offers liquor (beer, wine or spirits)

## **ENFORCEMENT**

SB972 limits enforcement of violations related to CMFO to be punishable only by an administrative fine, subject to mandatory reductions based on an individual's ability to pay. Prohibits CMFOs from being punishable as an infraction or misdemeanor.

Violations are enforced as tiered and progressive administrative fines – not as misdemeanors.



- 1<sup>st</sup> offense: A notice of violation detailing the violation, including the applicable provision of this part or regulation adopted pursuant to this part.
- 2<sup>nd</sup> offense: An administrative fine not exceeding one hundred dollars (\$100) for a second violation within one year of the first violation.
- 3<sup>rd</sup> offense: An administrative fine not exceeding two hundred dollars (\$200) for a third violation within one year of the first violation.
- 4<sup>th</sup> and additional offenses: An administrative fine not exceeding five hundred dollars (\$500) for each additional violation within one year of the first violation.

When assessing an administrative fine for a first-time offense, pursuant to this section, the hearing officer shall take into consideration the person's ability to pay the fine. The enforcement agency shall provide the person with notice of their right to request an ability-to-pay determination and shall make available instructions or other materials for requesting an ability-to-pay determination. The person may request an ability-to-pay determination at adjudication or while the judgment remains unpaid, including when a case is delinquent or has been referred to a comprehensive collection program.

If the person meets the criteria described in subdivision (a) or (b) of Section 68632 of the Government Code, the enforcement agency shall accept, in full satisfaction, 20 percent of the administrative fine imposed pursuant to this section.

The enforcement agency may waive the administrative fine or may offer an alternative disposition.

*Note: Local enforcement agencies shall not issue any fines in excess of the amounts allowable prior to January 1, 2024.*

**Operating without a permit is punishable by a fine up to three times the cost of the permit.**

# COMPACT MOBILE FOOD OPERATION (CMFO) STORAGE AND COMMISSARY GUIDELINES

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## **SB 972 STREAMLINES COMMISSARY APPROVAL**

Recent updates to the California Retail Food Code (effective January 1, 2023) have created a new definition for mobile food facilities, a Compact Mobile Food Operation (CMFO), and expanded the options for where these types of mobile food facilities can be stored. The following information is designed to help determine the best type of storage facility to use, based on the type of CMFO, and to provide details to help ensure the storage location can properly support the CMFO.

Any CMFO that has 25 square feet or less of display area and only sells prepackaged non-potentially hazardous food (e.g., bottled water, soda, chips, etc.) and whole uncooked produce does not require a health permit from the Environmental Health Department (EHD) and is exempt from storage facility requirements outlined below.

All other CMFOs are required to submit detailed plans of the CMFO to their local EHD for review and obtain a health permit prior to operating. The evaluation of the identified storage location will be part of the plan review process. If the CMFO already has a health permit in their jurisdiction, and would like to modify their storage location, only the storage facility will need to be evaluated prior to its use.

## **TYPES OF STORAGE LOCATIONS**

There are two types of facilities that can be used to store a CMFO. A field inspection will need to be scheduled and conducted to properly evaluate the proposed site prior to use in order to determine if it has the necessary infrastructure to support a CMFO.

1. **COMMISSARY** - A commissary is a permitted food facility, including a Microenterprise Home Kitchen Operation (MEHKO), or Cottage Food Operation (CFO Class B) that services a CMFO where food, containers, or supplies are stored; where food is prepared or prepackaged for sale or service at other locations; where utensils are cleaned; where liquid and solid wastes are disposed; and where potable water is obtained.
  - *Section 114368.3 (b)(1) - Existing permanent food facilities may be permitted to support the operations and storage of compact mobile food operations.*
  - *Section 114368.3 (a)(1) - A permitted cottage food operation or microenterprise home kitchen operation may serve as a commissary or mobile support unit for up to two compact mobile food operations if...the cottage food operation or microenterprise home kitchen operation is capable of supporting the preparation and storage of the food being sold from the compact mobile food operation and the storage and cleaning of the compact mobile food operation.*

*Note: Any CMFO operating as an extension of an MEHKO or CFO Class B may only sell the products that are made as part of their approved home-based operation and commercially packaged shelf-stable food.*

2. COMPACT MOBILE FOOD OPERATION STORAGE FACILITY - A CMFO storage facility is a non-permitted facility or a private home that may be approved for the storage of CMFO(s). No food storage or preparation may take place at this facility.
- *Section 114368.3 (c)(1) - Unless prohibited by local ordinance, an enforcement agency may allow the use of a private home for the storage of a compact mobile food operation if it determines, after an evaluation, that storage in the private home would not pose a public health hazard and that the compact mobile food operation will be stored in a manner that protects the compact mobile food operation from contamination.*
  - *Section 114368.3 (b)(4) – Existing (permitted food) facilities may be permitted to support the operation of a CMFO when a determination is made by the enforcement agency that any nonconforming structural conditions do not pose a public health hazard*

*Note: For home storage, the identified storage space must be under control of the homeowner, and prior approval from a HOA or Management Company must be obtained prior to scheduling a home evaluation.*

## COMMISSARY AND COMPACT MOBILE STORAGE FACILITY REQUIREMENTS

Sites that are proposed to be used to store a compact mobile food operation must meet the following applicable requirements based on the type of facility that will be used.

### COMMISSARY *Permitted Food Facility*

- Food preparation space
- Food storage space
  - Commercial refrigeration for potentially hazardous foods
  - Dry storage space for shelf stable food items
- Approved commercial cooking equipment
- Warewashing facilities to properly wash, rinse, and sanitize utensils and equipment
- Janitorial facilities
- Adequate trash disposal containers
- Cart storage space
- Facilities to allow for the proper cleaning of the cart
- Available potable water to fill freshwater tanks

### COMPACT MOBILE STORAGE *Home Storage*

- Overhead protection or an enclosed space (garage/shed)
- Proper cart covering to secure the cart and prevent unapproved access to the cart
- Proper cart storage to protect from vermin
- Proper Flooring material
  - Outdoors – asphalt or concrete (no grass or dirt)
  - Indoors – hard surface or carpet
- Stored in an area that is easily accessible
- Prepackaged non-potentially hazardous food and raw whole product stored in approved area

\*Note – a permitted food facility will also be required to support the food prep, cart cleaning in certain circumstances, wastewater disposal, and freshwater requirements for the mobile operation.

### COMPACT MOBILE STORAGE FACILITY *MEHKO/CFO*

- Overhead protection or an enclosed space (garage/shed)
- Proper cart covering to secure the cart and prevent unapproved access to the cart
- Proper cart storage to protect from vermin
- Proper flooring material
  - Outdoors – asphalt or concrete (no grass or dirt)
  - Indoors – hard surface or carpet
- Stored in an area that is easily accessible
- Facilities to allow for the proper cleaning of the cart

\*Note – unless only selling the food items produced by a CFO/MEHKO as an extension of the existing CFO/MEHKO permit, a permitted food facility will also be required to support the food prep, food storage, cart cleaning, wastewater disposal, and freshwater requirements for the compact mobile operation.

## COMPACT MOBILE FOOD OPERATION (CMFO) SUPPORTED BY AUXILIARY CONVEYANCES

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Effective January 1, 2023, the California Retail Food Code, Section 114368.4 (b)1-4, allows for CMFOs to operate without integral handwashing and warewashing sinks if operating at a location that has permitted auxiliary conveyance(s) approved to support up to four CMFOs. The enforcement agency has the authority to limit the number of CMFOs that utilize the site based on the auxiliary conveyance's ability to reasonably support the proposed number of CMFOs.

### **Auxiliary Conveyance Site Requirements**

- A local enforcement agency may allow an auxiliary conveyance to be on site as a method to comply with CRFC Sections 114313 and 114314 for handwashing and warewashing sink requirements for Mobile Food Facilities.
- A health permit from the local enforcement agency is required prior to the operation of any auxiliary conveyance unless the auxiliary conveyance was approved as part of a permitted CMFO.
- The health permit for the CMFO and the auxiliary conveyance operator, when applicable, is specific to the approved location and hours of operation.
- A site plan for the Auxiliary Conveyance Site must be submitted to the local enforcement agency for review at least two weeks before the site begins operation, and shall include:
  - Identify the hours of operation at the location.
  - Proposed location of the auxiliary conveyance when in use.
    - The auxiliary conveyance may or may not be one integral unit.
    - The auxiliary conveyance must be conveniently located for easy access.
    - The auxiliary conveyance may or may not be one of the CMFO operators.
  - Proposed storage location for the auxiliary conveyance when not in use.
  - Location of mobile food facilities that will use the auxiliary conveyance.
  - Location of permanent restrooms that will be available for mobile food facility employees to use.
  - Location of refuse containers.
  - Location of potable water supply faucets (could be part of auxiliary conveyance).
  - Location of wastewater disposal facilities (could be part of auxiliary conveyance).
  - Location of shared warewashing facilities (could be part of auxiliary conveyance).
- Location of shared handwashing facilities (could be part of auxiliary conveyance).
- If all associated CMFOs are exempt from hot water for handwashing and prescribed in CRFC Section 114368.4 (g), then hot water is not required to be provided by the auxiliary

conveyance. For example, two fruit carts that do not have a handwashing sink may utilize an auxiliary conveyance adjacent to the carts for handwashing to be permitted.

- The auxiliary handwash sink must have a minimum of 5 gallons of water capacity for each CMFO it supports.
- Warewashing sinks shall be equipped with overhead protection that protects the sinks from birds and insect droppings, precipitation, and other contaminants. Warewashing sinks must have a minimum of 15 gallons of water capacity for each CMFO it supports.
- The wastewater tanks must be 50% greater than the potable water capacity.
- The evaluation, permitting, and tracking of Auxiliary Conveyance Sites will vary from jurisdiction to jurisdiction.
- The auxiliary conveyance operator should contact local building and planning for any additional requirements, including but not limited to zoning, special use permits or business license requirements.