



# COMPACT MOBILE FOOD OPERATIONS (CMFO) PRESENTATION



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HEALTH SERVICES

# OVERVIEW

- Compact Mobile Food Operations (CMFO) - The Basics
- Structural Requirements
- Operational Requirements
- Commissary and Storage
- MEHKO and CFOs
- Supporting Vending Sites
- Local Municipalities Role
- Enforcement
- Q & A

# Background



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# CMFO Background

- Senate Bill 972 (SB972) became effective in January 1, 2023
- Relaxes some structural and operational requirements for lower risk sidewalk food vending operations.
- Created a new permit category called Compact Mobile Food Operation (CMFO) in California Retail Food Code (CRFC).
- Also expands Cottage Food Operations – Class B (CFO B)
- Earlier SB946 (passed 2018) eased sidewalk vending barriers



# No Permit Required



- No health permit is required when vending food from a person, stand, rack, or cart if selling **25 square feet** or less of **ONLY prepackaged**, non-potentially hazardous food or whole, uncut produce.
  - Food must be from approved source
  - Food must be stored, handled, displayed so as to be protected from adulteration or contamination
  - Food must be stored/displayed at least 6 inches off the ground
  - Subject to inspection as a result of a complaint or just cause during normal business hours.





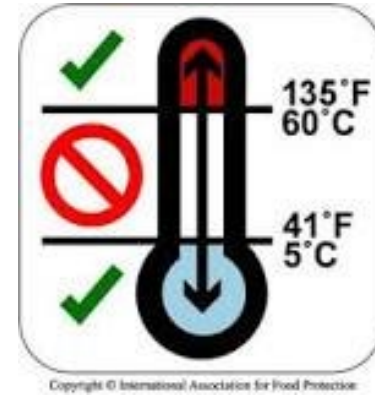
# Prepackaged Foods

- Foods that have been processed in a permitted food facility or food establishment and properly packaged and labeled to prevent any direct human contact with the food product and the customer prior to consumption.
- Whole, uncut fruit is also considered “prepackaged”.



# What is a potentially hazardous food (PHF)?

- Food that requires time or temperature control to limit pathogenic micro-organism growth.
- Cold foods must be at **41°F or less**
- Hot foods must be **135°F and above**
- Perishable
- Needs to be kept hot or cold to prevent spoiling



# What is a CMFO?

- Compact mobile food operation means an unenclosed mobile food facility that operates from an individual or from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance.
- Equipment must be **integral or** connected.
- Must operate with an approved commissary.
- Can only sell:
  - Perishable food prepared with limited food preparation steps
  - Prepackaged foods
  - Whole, uncut produce





# What is NOT a CMFO?

- Pop up food tents with multiple pieces of cooking equipment
- Foods made from a private home or unpermitted restaurant or facility



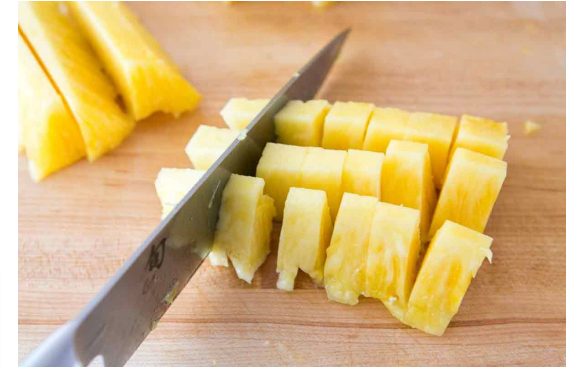
# Limited Food Preparation

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 or dispensing and portioning for immediate service to a customer of food that has been temperature controlled until immediately prior to portioning or dispensing.
3. Holding, portioning, and dispensing of any foods that are prepared for satellite food service by the onsite permanent food facility or prepackaged by another approved source.



# Limited Food Preparation (Cont.)

4. Slicing and chopping of non-PHF food or produce that has been previously washed at an approved commissary
5. Cooking and seasoning to order
6. Preparing beverages that are for immediate service and don't contain frozen milk products



# Limited Food Preparation (Cont.)

7. Hot and cold holding of food that has been prepared at an approved, permitted (permanent) food facility.

8. Reheating food that has been previously prepared at an approved, permitted (permanent) food facility and held at required temperatures



# Limited food preparation does not include:

- Slicing and chopping of potentially hazardous food, other than produce, **unless it is on a heated cooking surface**
- Thawing food
- Cooling cooked, potentially hazardous food
- Grinding raw ingredients or potentially hazardous food
- Washing foods
- Cooking potentially hazardous foods for later use
- Handling, manufacturing, freezing, processing, or packaging milk, milk products, or products resembling milk products under Division 15 of the Food and Ag. Code





# 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
- 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 food (e.g. vacuum packaging, sous-vide)
- Produce, serve, or sell **raw** milk or **raw milk products**
- Serve or sell raw oysters



# Structural Requirements



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# CMFO Structural requirements

- Identification on the consumer side of CMFO
  - Business name, owner name, city, state, and zip code
- All equipment must be:
  - Certified for sanitation
  - Integral to CMFO
  - Smooth and easily cleanable
- Mechanical refrigeration required if handling PHFs – **NO ICE!**
- First aid kit
- Fire extinguisher



# CMFO sink requirements



- Hand wash sink built into cart with pressurized water
  - Warm water not required if **NOT** handling raw meats, raw poultry or raw fish.
- 3-compartment sink needed if handling raw meats, poultry or fish
  - Can have approved auxiliary sink (sink separate from CMFO)
  - If not handling raw meats, 3-compartment sink not needed if:
    - Spare utensils provided
    - Utensils are washed, rinsed, sanitized and air-dried each day at approved commissary
- Wastewater tank must be **50% greater** than potable water tank



# Auxiliary Sink

## Must:

- Have pressurized water
- Have potable water
- Be mobile
- Be permitted by EHS





# Unpackaged CMFO requirements

REQUIREMENTS	Not handling raw meats, raw poultry, or raw fish	Handling raw meats, raw poultry, or raw fish
Health Permit	Yes	Yes
Plan Check	Yes	Yes
Hand sink	Yes	Yes
Warewashing sink	No	Yes
Water heater	No	Yes
Mechanical refrigeration for PHF	Yes	Yes
Commissary required	Yes	Yes



# Operational Requirements



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# Operational requirements

- Must have an approved commissary
  - **Home preparation and storage of foods is NOT allowed**
- Valid food handler card
- All PHF foods must be discarded/thrown away at end of the day
- No restroom required if CMFO has multiple employees



# Commissary and Storage



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# Commissary Options

- A commissary is a permitted food facility where:
  - Food is prepared or prepackaged for sale
  - Food, containers, or supplies are stored
  - Utensils are cleaned and sanitized
  - Liquid waste and garbage is disposed
  - Potable water is obtained
- Commissary Agreement required





# CMFO Storage

- May allow for a private home to store a CMFO when not in use.
- Requires **site evaluation** and **approval** from Environmental Health Services.
  - Evaluated for following:
    - Overhead protection
    - Area must be restricted and prevent unapproved access to CMFO
    - Provides an area that prevents vermin harborage or infestation
    - Hard surface is provided
    - Must be available to CMFO operator at all times.



## 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			
* 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.				



# CMFOs in Conjunction with MEHKO and CFOs



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# Microenterprise Home Kitchen Operations (MEHKO)

- Need a health permit with the local Environmental Health to operate
- Needs to fill out and submit a rental notification from landlord (if renting)
- They are allowed to cook, prepare and serve hot foods (some exemptions apply) for the same day, and up to 60 meals per week and no more than 30 meals per day
- May require local city municipality business license
- These facilities are like homebased restaurants where delivery, on-site consumption may take place
- \$150,000 per year cap of gross sales
- Initial inspection necessary and thereafter once a year routines apply



# MEHKOs

## CMFOs in Conjunction with a MEHKO:

- Limited to store up to 2 carts of their own
- Storage evaluation by EHS is necessary
- Permitted MEHKO only

# Cottage Food Operations

- Homebased food operation that sells non-perishable foods to customers
- Requires a permit from Environmental Health
- Operations that sell their product directly or indirectly to consumers
- Most food products sold are baked goods and pastries from the CDPH “Approved List”
- Gross annual sales are \$174,000 for Class B





# CFOs

## CMFO in conjunction with a CFO

- CFO permit allows low-risk food products to be prepared and/or packaged in a private home and sold to public.
  - Two types of permits: **CFO-Class A** and **CFO-Class B**
- Must have a **Class B permit** to obtain CMFO permit
- **Site evaluation required** to ensure additional food prep and storage can be safely supported in home

# Supporting Vending Sites For CMFOs



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# Requirements

With the support of businesses/property owners, such as community centers, churches, and community parks, CMFO vendors could be further supported to sell food legally if they are provided with access to some basic infrastructure to support handwashing, dishwashing, and employee restroom access.



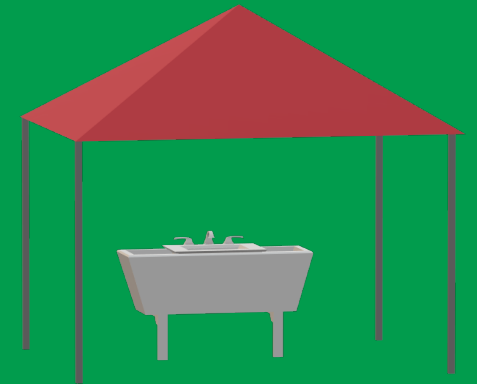
Space for Mobile  
food facilities that  
will use the auxiliary  
conveyance



Employee  
Restroom  
Access



Refuse  
Containers



Sinks for  
Handwashing &  
Warewashing

# Examples

San Mateo County Event Center



Supported vending at public parks

Warewashing & Handwash Sink



Supported vending at parking lots

# Local Municipalities/ CMFOs

- **Home based business licenses**
- **Setback requirements for CMFOs**
- **Local Ordinances**
- **Planning department/  
Zoning**
- **Code Enforcement**





# How to get a CMFO permitted

- Contact Environmental Health **before** operating and purchasing any equipment!! [envhealth@smcgov.org](mailto:envhealth@smcgov.org)
- Either:
  - a) Purchase EH-approved CMFO
  - b) Require plan review for first CMFO
    - Plan review fee is \$841
- Once permitted, **annual fee is \$335-892**
- c) Check with the local City for additional requirements





# Other Types of Food Permits

- **Mobile Food Facility** (e.g., food truck)
- **Temporary Food Facility** (community event food vendor)
- **Catering, Host Catering** (private events, or public sales at a host facility)
- **Cottage Food Operation** (baked goods made at home)
- **Food Facility** (e.g., restaurant, bakery)
- **Permit Fees**



# Business License and Approval

- Need to obtain a business license from each city you operate in
- Cities may have their own requirements or restrictions



# Enforcement



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# Enforcement

- Failure to obtain an Environmental Health permit will result in:
  - Food and equipment being confiscated or impounded
  - Penalty fees
  - Prosecution
- Businesses allowing unpermitted vending to take place on their property will also be subject to penalty fees and prosecution



# Contact Information

## **San Mateo County Environmental Health Services**

2000 Alameda de las Pulgas, Suite 100

San Mateo, CA 94403

**Phone:** (650) 372-6200

**Email:** [envhealth@smcgov.org](mailto:envhealth@smcgov.org)

**Web:** [smchealth.org/CMFO](http://smchealth.org/CMFO)

**Office Hours:** 8:00 am – 5:00 pm M-F



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# Health Permit Process Workflow







QUESTIONS?