



Model Code

**A detailed set of regulations that right-sizes the food code for the home kitchen.**



# 1. Definitions

## 1-1. Statement of Application and Listing of Terms

The following definitions<sup>1</sup> shall apply in the interpretation and application of this Code.

**ACCREDITED PROGRAM** - means a food protection manager certification program or food handler program that has been evaluated and listed by an accrediting agency as conforming to national or state standards for organizations that certify individuals.

**ADULTERATED** - has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 402.

**APPLICANT** - means a person or entity who is applying for a PERMIT to operate a HOME COOKING OPERATION.

**APPROVED** - means acceptable to the REGULATORY AUTHORITY based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.

**BEVERAGES** - means a liquid for drinking, including water.

**BOTTLED DRINKING WATER** - means any water that is placed in a sealed container at a water-bottling plant to be used for drinking, culinary, or other purposes involving a likelihood of the water being ingested by humans.

**CATERING** - means a service conducted by a food facility approved for food preparation where food is served, or limited food preparation is conducted, at a

<sup>1</sup>Changes will need to be made to other state regulations to exempt home cooking operations from the definitions of "food establishment," "retail food facility," "food processing facility" or whatever terminology is used in the state for businesses that make and sell food. These provisions vary widely from state to state.

location other than its permitted location, in either of the following circumstances: (1) as part of a contracted off site food service event; or (2) when operating in conjunction with a host facility with direct food sales.

**COLOR ADDITIVES** - has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 201(t) and 21 CFR 70.3(f).

**CONSUMER** - means a person who is a member of the public, takes possession of FOOD, is not functioning in the capacity of an operator of a HOME COOKING OPERATION, and does not offer the FOOD for resale.

**COOK** - means the PERSON IN CHARGE and/or FOOD EMPLOYEE

**CORROSION-RESISTANT MATERIAL** - means a material that maintains acceptable surface cleanability characteristics under prolonged influence of the FOOD to be contacted, the normal use of cleaning compounds and SANITIZING solutions, and other conditions of the use environment.

**EASILY CLEANABLE** - means a characteristic of a surface that allows effective removal of soil by normal cleaning methods and decreases the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into FOOD.

**EGG** - means the shell egg of avian species such as chicken, duck, quail, or turkey.

**EGG PRODUCTS** - means all, or a portion of, the contents found inside EGGS separated from the shell and pasteurized in a food processing plant or raised in the PERMIT HOLDER's property, with or without added ingredients, intended for human consumption, such as dried, frozen or liquid EGGS. "Egg Product" does not include FOOD which contains EGGS only in a relatively small proportion such as cake mixes.

**EQUIPMENT** - means an article that is used in the operation of a HOME COOKING OPERATION such as a freezer, hood, ice maker, mixer, oven, reach-in refrigerator, scale, sink, stove, table, TEMPERATURE MEASURING DEVICE for ambient air, or WAREWASHING machine.

**EXCLUDE or EXCLUSION** - means to prevent a person from working as a COOK in a HOME COOKING OPERATION or entering a HOME COOKING OPERATION as a COOK until deemed appropriate by the REGULATORY AUTHORITY.

**FISH** - means fresh or saltwater finfish, crustaceans, and other forms of aquatic life, other than birds or mammals, and all molluscan shellfish, if intended for human consumption. “Fish” also includes alligator, frog, aquatic turtle, jellyfish, sea cucumber, and sea urchin, and the roe of these animals.

**FOOD** - means a raw, cooked, or processed edible substance, ice, BEVERAGE, or ingredient used or intended for use or for sale in whole or in part for human consumption.

**FOOD EMPLOYEE** - means an individual who is handling and working with unpackaged FOOD, FOOD EQUIPMENT, UTENSILS or FOOD-CONTACT SURFACES in connection with the business of the HOME COOKING OPERATION.

**FOOD-CONTACT SURFACE** - means either of the following: (1) the surface of EQUIPMENT or a UTENSIL with which FOOD normally comes into contact or (b) the surface of EQUIPMENT or a UTENSIL from which FOOD may drain, drip, or splash into food or onto a surface normally in contact with food.

**GAME ANIMALS** - means an animal, the products of which are FOOD, that is not classified as livestock, sheep, swine, goat, horse, mule, or other equine in 9

CFR 301.2 Definitions, or as Poultry, or FISH, such as reindeer, elk, or deer.

**HANDWASHING SINK** - means a lavatory, a basin or vessel especially placed for use in personal hygiene and designed for the washing of the hands.

**HAZARD** - means a biological, chemical, or physical property that may cause an unacceptable CONSUMER health RISK.

**HERMETICALLY SEALED CONTAINERS** - means a container that is designed and intended to be secure against the entry of microorganisms and, in the case of low acid canned FOODS, to maintain the commercial sterility of its contents after processing.

**HIGHLY SUSCEPTIBLE POPULATION** - means persons who are more likely than other people in the general population to experience foodborne disease.

**HOME** - a private dwelling where one or more persons reside, such as a residential single or multi-family dwelling, an apartment, auxiliary dwelling unit, or a live-work space with permanent residents. HOME does not include an educational institution, residential group home facility, assisted living facility, or health care facility.

**HOME COOKING OPERATION** - means an enterprise in a private home that is operated by a resident that stores, handles, prepares and packages food for CONSUMERS.

**LAW** - means applicable local, state, and federal statutes, regulations, and ordinances.

**LINENS** - means fabric items such as cloth hampers, cloth napkins, table cloths, wiping cloths, and work garments including cloth gloves.

**MAJOR FOOD ALLERGENS** - means milk, EGG, FISH (such as bass, flounder, cod, and including crustacean shellfish such as crab, lobster, or shrimp) tree nuts (such as almonds, pecans, or walnuts), wheat, peanuts, sesame, and soybeans; or a food ingredient containing protein derived from one of these FOODS.

**MEAT** - means the flesh of animals used as FOOD including the dressed flesh of cattle, swine, sheep, or goats and other edible animals, except FISH, POULTRY, and wild GAME ANIMALS.

**MENU** - means the primary writing(s) of the HOME COOKING OPERATION from which a CONSUMER makes an order selection, including, but not limited to, breakfast, lunch, and dinner menus; dessert menus; beverage menus; children's menus; other specialty menus; electronic menus; and menus on the internet, such as on a social media page.

**ONLINE FOOD MARKETPLACE** - means an entity that provides a platform on its internet website or mobile application through which a HOME COOKING OPERATION may choose to offer food for sale and from which the ONLINE FOOD MARKETPLACE derives revenues, including, but not limited to, revenues from advertising and fees for services offered to a HOME COOKING OPERATION. Services offered by an ONLINE FOOD MARKETPLACE to a HOME COOKING OPERATION may include, but are not limited to, allowing a HOME COOKING OPERATION to advertise its food for sale and providing a means for potential CONSUMERS to arrange payment for the food, whether the CONSUMER pays directly to the HOME COOKING OPERATION or to the ONLINE FOOD MARKETPLACE. Merely publishing an advertisement for the HOME COOKING OPERATION or food cooked therein does not make the publisher an ONLINE FOOD MARKETPLACE.

**PACKAGED** - means bottled, canned, cartoned, bagged, or wrapped. PACKAGED does not include wrapped or placed in a carry-out container to protect the FOOD during service or delivery to the CONSUMER, by a FOOD EMPLOYEE, upon CONSUMER request.

**PERMIT** - means the document issued by the REGULATORY AUTHORITY that authorizes a person to operate a HOME COOKING OPERATION.

**PERMIT HOLDER** - means the person or entity that:  
(1) Is legally responsible for the operation of the HOME COOKING OPERATION such as the owner or the owner's agent; and (2) Possesses a valid PERMIT to operate a HOME COOKING OPERATION.

**PERSON IN CHARGE** means the individual present at a HOME COOKING OPERATION who is responsible for the operation at the time of inspection.

**POISONOUS OR TOXIC MATERIALS** - means substances that are not intended for ingestion, such as cleaners, paint, sanitizers, acids, drying agents, pesticides, insecticides, personal care items.

**POULTRY** - means: (1) Any domesticated bird (chickens, turkeys, ducks, geese, guineas, or rabbits), whether live or dead, as defined in 9 CFR 381.1 Poultry Products Inspection Regulations Definitions, Poultry; and (2) Any migratory waterfowl or game bird, pheasant, partridge, quail, grouse, or pigeon, whether live or dead, as defined in 9 CFR 362.1 Voluntary Poultry Inspection Regulations, Definitions.

**STATE AGENCY** - means the government agency at the state level with jurisdiction over HOME COOKING OPERATIONS.

**READY-TO-EAT FOODS** - means FOOD that is in a form that is edible and safe to eat without washing,



cooking or additional preparation by the CONSUMER and that is reasonably expected to be consumed in the form in which it is provided to the consumer or after reheating by the consumer.

**REGULATORY AUTHORITY** - means the state or local jurisdiction, such as the county, having jurisdiction over HOME COOKING OPERATIONS.

**RESTRICT or RESTRICTION** - means to limit the activities of a COOK so that there is no RISK of transmitting a disease that is transmissible through FOOD and the COOK does not work with exposed FOOD, clean EQUIPMENT, UTENSILS, LINENS, or unwrapped SINGLE-SERVICE or SINGLE-USE ARTICLES.

**RISKS** - means the likelihood that an adverse health effect will occur within a population as a result of a HAZARD in a FOOD.

**SANITIZATION** - means the application of cumulative heat or chemicals that drastically reduces or eliminates the disease microorganisms of public health importance on EQUIPMENT, UTENSILS, LINENS, or FOOD CONTACT SURFACES.

**SERVICE ANIMALS** - means an animal such as a guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability.

**SINGLE-SERVICE ARTICLES** - means TABLEWARE, carry-out UTENSILS, and other items such as bags, containers, placemats, stirrers, straws, toothpicks, and wrappers that are designed and constructed for one time, one person use after which they are intended for discard.

**SINGLE-USE ARTICLES** - means UTENSILS and bulk FOOD containers designed and constructed to be used

once and discarded, such as plastic wrap, jars, plastic tubs, or ketchup bottles.

**SLACKING** - means the process of moderating the temperature of a FOOD such as allowing a FOOD to gradually increase from a temperature of -23oC (-10oF) to -4oC (25oF) in preparation for deep-fat frying or to facilitate even heat penetration during the cooking of previously block-frozen FOOD such as shrimp.

**SMOOTH** - means a FOOD-CONTACT SURFACE having a surface free of pits, inclusions, or roughness that is EASILY CLEANABLE.

**TABLEWARE** - means eating, drinking, and serving UTENSILS for table use such as flatware including forks, knives, spoons, bowls, cups, serving dishes and plates.

**TEMPERATURE MEASURING DEVICES** - means a thermometer, thermocouple, thermistor, or other device that indicates the temperature of FOOD, air, or water.

**THIRD-PARTY DELIVERY SERVICE** - means any business that delivers FOOD to CONSUMERS on behalf of a business the THIRD-PARTY DELIVERY SERVICE does not own, run, or manage.

**TIME/TEMPERATURE CONTROL FOR SAFETY**

**FOOD** - means a FOOD that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation, as defined in FDA Model Food Code 1-201.10(B).

**UTENSIL** - means a FOOD-CONTACT implement or container used in the storage, preparation, transportation, dispensing, sale, or service of FOOD, such as TABLEWARE that is multiuse, SINGLE-SERVICE, or SINGLE-USE; gloves used in contact with

FOOD; FOOD TEMPERATURE MEASURING  
DEVICES.

**VENTILATION SYSTEM** - means a mechanism to prevent the dispersion into the air of dusts, fumes, mists, vapors, and gases in concentrations causing harmful exposure, such as an oven hood. Such exhaust systems shall be so designed that dusts, fumes, mists, vapors, or gases are not drawn through the work area of employees.

**WAREWASHING** - means the cleaning and  
SANITIZING of UTENSILS and FOOD-CONTACT  
SURFACES of EQUIPMENT.

## 2. Permitting

### 2-1. HOME COOKING OPERATION Requirements

- (A) No person or legal entity shall maintain or operate a HOME COOKING OPERATION without a valid PERMIT issued by the REGULATORY AUTHORITY.
- (B) Application for a PERMIT to operate a HOME COOKING OPERATION shall be made upon a form prescribed by the REGULATORY AUTHORITY. The REGULATORY AUTHORITY may require a PERMIT HOLDER to renew the PERMIT every two years.
- (C) A PERMIT, once issued, shall be non transferable. A permit shall be valid only for the person or legal entity and location specified by such permit and, unless suspended or revoked for cause, for the time period indicated.
- (D) The PERMIT, or an accurate copy thereof, shall be retained by the operator onsite and made available upon request to a representative of the REGULATORY AUTHORITY.
- (E) A person and legal entity may apply for up to two HOME COOKING OPERATION PERMITS; provided that, if the HOME COOKING OPERATION is operated by a legal entity, a principal of the legal entity who is a natural person resides in the home for which a permit is sought.
- (F) The HOME COOKING OPERATION may sell or otherwise provide FOOD directly to CONSUMERS only and not to any wholesaler or retailer. A HOME COOKING OPERATION may sell food to CONSUMERS in person at the operator's home or other location, such as a farmers' market, or remotely by telephone,

email or internet website, including through an ONLINE FOOD MARKETPLACE.

- (G) All food sold and otherwise provided to consumers by the HOME COOKING OPERATION shall be READY-TO-EAT FOOD.
- (H) FOOD shall be prepared, cooked, and served or picked up or delivered within a safe time period based on holding EQUIPMENT capacity. The following FOOD is prohibited:
  - (1) food that requires a hazard analysis and critical control point plan (HACCP) under applicable federal, state or local law;
  - (2) the service and sale of FOOD containing raw shellfish;
  - (3) low-acid canned food or acidified food that requires a scheduled process under applicable federal, state or local law; and
  - (4) raw milk and raw milk products.

## 2-2. Application

- (A) The REGULATORY AUTHORITY shall create a permit application form that is available via a website, mail, and electronic mail. The application shall require the APPLICANT to submit standard operating procedures<sup>2</sup>, including:
  - (1) A list of all food types or products<sup>3</sup> that will be handled;
  - (2) Proposed procedures and methods of food preparation and handling;
  - (3) Procedures, methods, and schedules for cleaning utensils and equipment and for the disposal of refuse;

<sup>2</sup>We did not include days and times on purpose. It's extremely important HCO have freedom and flexibility to operate when they want while still meeting the food safety and code requirements, thus we did not include the need to report hours of operation. Chapter 8 requires that all inspections must occur during a mutually agreed upon time.

<sup>3</sup>The regulatory agency can determine the manner in which this information is collected. For example, it could decide to include a checklist of categories of food that the HCO can check off. The goal is to make it flexible as some cooks will be hosting a class of going to the farmers market and then cooking at their home and others will vary their meals every week. This form must be as flexible as the cooks are going to be.

- (4) How food will be maintained at safe holding temperatures pending pickup by consumers or during delivery;
  - (5) Information about the type of service, such as consumer pick up and delivery, in-home dining, instructional courses, or a combination of processes; and
  - (6) A list of the areas within the home and/or in outdoor areas, such as a porch or backyard with a barbecue, to be covered by the permit.
- (B) If the REGULATORY AUTHORITY denies the permit application, the REGULATORY AUTHORITY must provide the APPLICANT with notice of the specific reasons and the opportunity to cure the deficiencies, as well as notice of the APPLICANT'S right to appeal and an explanation of the process and time frames for appeal that are provided in law.
- (C) The REGULATORY AUTHORITY may charge a permit fee not to exceed <<\_\_\_\_>> or in an amount that does not exceed the reasonable administrative costs of the REGULATORY AUTHORITY in issuing the permit, whichever is less.
- (D) The REGULATORY AUTHORITY shall provide the PERMIT HOLDER the opportunity to update the FOOD types, products handled, and service or delivery methods without requiring the PERMIT HOLDER to submit a new permit application.
- (E) The REGULATORY AUTHORITY shall post on its internet website the requirements for the permitting of a HOME COOKING OPERATION, pursuant to this chapter, which shall be written at a high school level in English and in any other languages, as appropriate for the jurisdiction.

## **3. Management and Personnel**

### **3-1. Responsibility**

- (A) The PERMIT HOLDER or, if the PERMIT HOLDER is an entity, a principal of the PERMIT HOLDER shall be the PERSON IN CHARGE and shall be present at the HOME COOKING OPERATION when FOOD is being prepared for sale.

### **3-2. Demonstration of Knowledge**

- (A) Based on the RISKS inherent to the HOME COOKING OPERATION, during inspections and upon request the PERSON IN CHARGE shall demonstrate to the REGULATORY AUTHORITY knowledge of FOODborne disease prevention, and the requirements of this Code. The PERSON IN CHARGE shall demonstrate this knowledge by:
  - (1) Demonstrating material compliance with this Code during the current inspection; or
  - (2) Being a certified FOOD protection manager who has shown proficiency of required information through passing a test that is part of an ACCREDITED PROGRAM; or
  - (3) Responding correctly to the inspector's questions as they relate to the specific FOOD operation. The areas of knowledge can include:
    - (a) Describing the relationship between the prevention of FOODborne disease and the personal hygiene of the COOKS;

- (b) Explaining the responsibility of the PERSON IN CHARGE for preventing the transmission of FOODborne disease by a COOK who has a disease or medical condition that may cause FOODborne disease;
- (c) Describing the symptoms associated with the diseases that are transmissible through FOOD;
- (d) Explaining the significance of the relationship between maintaining the time and temperature of TIME/TEMPERATURE CONTROL FOR SAFETY FOOD and the prevention of FOODborne illness;
- (e) Explaining the HAZARDS involved in the consumption of raw or undercooked MEAT, POULTRY, EGGS, and FISH;
- (f) Stating the required FOOD temperatures and times for safe cooking of TIME/TEMPERATURE CONTROL FOR SAFETY FOOD including MEAT, POULTRY, EGGS, and FISH;
- (g) Stating the required temperatures and times for the safe refrigerated storage, hot holding, cooling, and reheating of TIME/TEMPERATURE CONTROL FOR SAFETY FOOD;
- (h) Describing the relationship between the prevention of FOODborne illness and the management and control of the following:
  - (i) Cross contamination,
  - (ii) Hand contact with READY-TO-EAT FOODS,
  - (iii) Handwashing, and
  - (iv) Maintaining the HOME COOKING OPERATION in a clean condition and in good repair;



- (i) Describing FOODS identified as MAJOR FOOD ALLERGENS and the symptoms that a MAJOR FOOD ALLERGEN could cause in a sensitive individual who has an allergic reaction.
- (j) Explaining correct procedures for cleaning and SANITIZING UTENSILS and FOOD-CONTACT SURFACES of EQUIPMENT;
- (k) Identifying the source of water used and measures taken to ensure that it remains protected from contamination;
- (l) Identifying POISONOUS OR TOXIC MATERIALS in the HOME COOKING OPERATION and the procedures necessary to ensure that they are safely stored, dispensed, used, and disposed of according to LAW;
- (m) Explaining the responsibilities, rights, and authorities assigned by this Code to the FOOD EMPLOYEE
- (n) Explaining how the PERMIT HOLDER and FOOD EMPLOYEES comply with reporting responsibilities and EXCLUSION or RESTRICTION of FOOD EMPLOYEES.

### **3-3. Training and Certification**

- (A) The PERSON IN CHARGE shall pass a FOOD protection manager course or other program specifically created for HOME COOKING OPERATIONS within three month of obtaining a PERMIT.
- (B) Any FOOD EMPLOYEE, household members helping to prepare or package FOOD, or THIRD-PARTY DELIVERY SERVICE drivers shall be a certified food handler who has shown proficiency of required

information through passing a test that is part of an ACCREDITED PROGRAM. Food protection manager certification also shall satisfy this requirement.

- (c) The REGULATORY AUTHORITY shall ensure that the training content and any required examination are available in languages other than English that are commonly spoken by state residents as their primary language.

### **3-4. PERSON IN CHARGE Responsibilities**

- (A) The PERSON IN CHARGE shall ensure that:
  - (1) Persons known to be suffering from symptoms associated with acute gastrointestinal illness and persons known to be infected with a communicable disease that is transmissible through FOOD are not allowed in the FOOD preparation, FOOD storage, or WAREWASHING areas while they are being used for the HOME COOKING OPERATION.
  - (2) Persons unnecessary to the operation of the HOME COOKING OPERATION operation are allowed to enter FOOD preparation, FOOD storage, and WAREWASHING areas while they are being used for the HOME COOKING OPERATION only if steps are taken to ensure that exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES are protected from contamination;
  - (3) FOOD EMPLOYEES comply with this Code, including but not limited to effectively cleaning their hands and using proper methods to rapidly cool, reheat, or hold FOOD at cold or hot temperatures through TIME/TEMPERATURE CONTROL measures.

- (4) CONSUMERS who order raw or partially cooked READY-TO-EAT FOODS of animal origin are informed as specified under § 5-1(B)(5)(iii).
- (5) FOOD EMPLOYEES are properly trained in FOOD safety, including FOOD allergy awareness, as it relates to their assigned duties; and
- (6) FOOD EMPLOYEES are informed of their responsibility to report in accordance with LAW, to the PERSON IN CHARGE, information about their health and activities as they relate to diseases that are transmissible through FOOD, as specified under § 3-5;

### **3-5. Responsibility of PERMIT HOLDER and FOOD EMPLOYEES**

- (A) The PERMIT HOLDER shall require FOOD EMPLOYEES to report to the PERSON IN CHARGE information about their health and activities as they relate to diseases that are transmissible through FOOD. A FOOD EMPLOYEE shall report the information in a manner that allows the PERSON IN CHARGE to reduce the RISK of FOODborne disease transmission, including providing necessary additional information, such as the date of onset of symptoms and an illness, or of a diagnosis without symptoms, if the FOOD EMPLOYEE is suffering from symptoms associated with acute gastrointestinal illness, or is known to be infected with a communicable disease that is transmissible through FOOD.
- (B) The PERSON IN CHARGE shall ensure that a FOOD EMPLOYEE who exhibits or reports a symptom or who reports that they are infected with a communicable disease that is transmissible through FOOD shall be

EXCLUDED from the HOME COOKING OPERATION until risk of transmission has ceased.

- (C) A FOOD EMPLOYEE shall report to the PERMIT HOLDER the information as specified under paragraph (A) of this section.
- (D) A FOOD EMPLOYEE shall comply with an EXCLUSION or RESTRICTION.

### **3-6. Cleaning Procedure for COOKS**

- (A) COOKS shall keep their hands and exposed portions of their arms clean.
- (B) COOKS shall clean their hands and exposed portions of their arms, including surrogate prosthetic devices for hands or arms for at least 20 seconds, using a cleaning solution in a HANDWASHING SINK or empty WAREWASHING sink that is equipped and cleaned as specified under § 6-5(F-G).
- (C) COOKS shall use the following cleaning procedure in the order stated to clean their hands and exposed portions of their arms, including surrogate prosthetic devices for hands and arms:
  - (1) Rinse under clean, running warm water;
  - (2) Apply an amount of cleaning compound recommended by the cleaning compound manufacturer;
  - (3) Rub together vigorously for at least 20 seconds while:
    - (a) Paying particular attention to removing soil from underneath the fingernails during the cleaning procedure, and
    - (b) Creating friction on the surfaces of the hands and arms or surrogate prosthetic devices for

hands and arms, finger tips, and areas between the fingers;

- (4) Thoroughly rinse under clean, running warm water; and
  - (5) Immediately follow the cleaning procedure with thorough drying.
- (D) To avoid recontaminating their hands or surrogate prosthetic devices, FOOD EMPLOYEES may use disposable paper towels or similar clean barriers when touching surfaces such as manually operated faucet handles on a HANDWASHING SINK, WAREWASHING sink, or the handle of a restroom door.
- (E) COOKS shall clean their hands and exposed portions of their arms as specified under § 3-6(C) immediately before engaging in FOOD preparation including working with exposed FOOD, clean EQUIPMENT and UTENSILS, and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES and:
- (1) After touching bare human body parts other than clean hands and clean, exposed portions of arms;
  - (2) After using the toilet room;
  - (3) After caring for or handling SERVICE ANIMALS or any other animals;
  - (4) After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking;
  - (5) After handling soiled EQUIPMENT or UTENSILS;
  - (6) During FOOD preparation, as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks;
  - (7) When switching between working with raw FOOD and working with READY-TO-EAT FOOD;

- (8) Before donning gloves to initiate a task that involves working with FOOD; and
- (9) After engaging in other activities that contaminate the hands.

### **3-7. Hygienic Practices**

- (A) COOKS shall keep their fingernails trimmed, filed, and maintained so the edges and surfaces are cleanable and not rough.
- (B) Unless wearing intact gloves in good repair, COOKS may not wear fingernail polish or artificial fingernails when working with exposed FOOD.
- (C) Except for a plain ring such as a wedding band, while preparing FOOD, COOKS may not wear jewelry including medical information jewelry on their arms and hands.
- (D) COOKS shall wear clean outer clothing to prevent contamination of FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.

### **3-8. FOOD Contamination Prevention**

- (A) A COOK shall use tobacco only in designated areas where the contamination of exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES; or other items needing protection cannot result.
- (B) COOKS experiencing persistent sneezing, coughing, or a runny nose that causes discharges from the eyes, nose, or mouth may not work with exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; or

unwrapped SINGLE-SERVICE or SINGLE-USE ARTICLES.

- (C) If used, an impermeable cover such as a bandage, finger cot or finger stall located on the wrist, hand or finger of a COOK working with exposed FOOD shall be covered with a single-use glove.
- (D) COOKS shall keep hair pulled back and take other measures as necessary to keep their hair from contacting exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES.

### **3-9. Handling Restriction**

- (A) COOKS may not allow animals to enter the FOOD preparation, FOOD storage, or WAREWASHING areas during FOOD preparation or FOOD service for the HOME COOKING OPERATION.
- (B) COOKS may handle animals outside the FOOD preparation, FOOD storage, or WAREWASHING areas while the HOME COOKING OPERATION is operating if they wash their hands as specified under § 3-6(C) before handling or preparing FOOD.

### **3-10. Household Member(s) with FOOD-borne Illness**

- (A) A COOK must exclude any household members or guests that are known to be sick with a FOODborne illness from the permitted areas of the HOME COOKING OPERATION while the HOME COOKING OPERATION is operating.

## 4. Food Safety

### 4-1. FOOD Shall Be Safe, unADULTERATED, and Honestly Presented

- (A) FOOD shall be offered for human consumption in a way that does not mislead or misinform the CONSUMER.
- (B) FOOD or COLOR ADDITIVES, colored overwraps, or lights may not be used to misrepresent the true appearance, color, or quality of a FOOD.
- (C) FOOD shall be protected from contamination that may result from the addition of unsafe or unapproved FOOD or color additives or unsafe or unapproved levels of approved FOOD and color additives.
- (D) FOOD EMPLOYEES may not apply sulfiting agents to fresh fruits and vegetables intended for raw consumption, or to any potentially hazardous FOOD.

### 4-2. FOOD that Requires a HACCP Plan May Not Be Prepared

- (A) As per § 2-1(H), FOOD preparation must not involve processes that require a hazardous analysis and critical control (HACCP) plan.

### 4-3. FOOD SOURCES

- (A) FOOD shall be obtained from sources that comply with LAW and that are permitted for commercial sale, except that the PERMIT HOLDER may:



- (1) Source fruits and vegetables from their own home garden provided the FOOD has been grown, harvested, and stored in a manner that will not endanger the public nor risk FOODborne illness.
- (2) Use foraged FOODs, provided the PERMIT HOLDER has the requisite knowledge to safely forage FOOD and the FOOD is labeled in accordance with § 5-1(B).
- (3) Use wild GAME ANIMALS, if hunted and prepared in accordance with the LAW.

## **4-4. EGGS**

- (A) EGGS must be clean, sound, and uncracked.
- (B) EGGS may be harvested from the PERMIT HOLDER's own chicken, turkey, duck, or quail provided that the animals are raised in accordance with LAW and handled in a manner as to prevent FOODborne illness.
- (C) Only pasteurized EGGS or EGG PRODUCTS shall be used in the preparation of FOODS such as Caesar salad, hollandaise or Béarnaise sauce, mayonnaise, meringue, eggnog, ice cream, and EGG-fortified BEVERAGES that are not fully cooked.
- (D) EGGS and EGG PRODUCTS shall be stored in refrigerated EQUIPMENT that maintains an ambient air temperature of 7°C (45°F) or less.

## **4-5. Milk Products**

- (A) Fluid milk and milk products shall be obtained from sources that comply with GRADE A STANDARDS as specified in LAW.

## **4-6. Preventing Contamination from Hands**

- (A) COOKS shall wash their hands as specified in this Code.
- (B) Single-use gloves shall be worn when contacting FOOD and FOOD-CONTACT surfaces if the COOK has any cuts, sores, rashes, artificial nails, nail polish, rings (other than a plain ring, such as a wedding band), uncleanable orthopedic support devices, or fingernails that are not clean, smooth, and neatly trimmed.
- (C) Whenever single-use gloves are worn, they shall be changed or replaced as often as handwashing is required by this part. Single-use gloves shall not be washed.
- (D) If used by a COOK, single-use gloves shall be used for only one task, such as working with ready-to-eat FOOD or with raw FOOD of animal origin, shall be used for no other purpose, and shall be discarded when damaged or soiled or when interruptions in the FOOD handling occur.
- (E) COOKS shall minimize bare hand and arm contact with exposed FOOD that is not in a READY-TO-EAT form.
- (F) Cloth gloves and slash-resistant gloves used to protect hands during cutting may not be used in direct contact with FOOD unless the FOOD is subsequently cooked as required by this Code.

## **4-7. Preventing Contamination with UTENSILS**

- (A) A COOK may not use a UTENSIL more than once to taste FOOD that is to be sold or served.
- (B) When serving FOOD either dine-in or when putting FOOD into containers for take-out, the serving UTENSILS should not be cross contaminated with other FOOD sources, such as using the same UTENSILS to serve mac and cheese and salad.

## **4-8. Preventing FOOD and Ingredient Contamination**

- (A) FOOD packages that are purchased for use in the HOME COOKING OPERATION shall be in good condition and protect the integrity of the contents so that the FOOD is not exposed to ADULTERATION or potential contaminants.
- (B) FOOD shall be protected from cross contamination by:
  - (1) Separating raw animal FOODS during storage, preparation, holding, and display from cooked READY-TO-EAT FOOD and fruits and vegetables before they are washed, except that frozen, commercially processed and PACKAGED raw animal FOOD may be stored or displayed with or above frozen, commercially processed and PACKAGED, READY-TO-EAT FOOD.
  - (2) Except when combined as ingredients, separating types of raw animal FOODS from each other such as beef, FISH, lamb, pork, and POULTRY during storage, preparation, holding, and display by:
    - (a) Using separate EQUIPMENT for each type; or

- (b) Arranging each type of FOOD in EQUIPMENT so that cross contamination of one type with another is prevented; and
  - (c) Preparing each type of FOOD at different times or in separate areas.
- (3) Cleaning EQUIPMENT and UTENSILS as specified in this Code.
  - (4) Except as otherwise specifically allowed, storing the FOOD in packages, covered containers, or wrappings.
  - (5) Cleaning HERMETICALLY SEALED CONTAINERS of FOOD of visible soil before opening.
  - (6) Segregating and storing damaged, spoiled, or recalled FOOD being held in the HOME COOKING OPERATION in designated areas separate from the HOME COOKING OPERATION operations.
  - (7) Separating fruits and vegetables, before they are washed as specified under § 4-9 from READY-TO-EAT FOOD.

## **4-9. Protecting Fruits and Vegetables from Contamination**

- (A) Raw fruits and vegetables shall be thoroughly washed in water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served, or offered for human consumption in READY-TO-EAT form, except:
  - (1) Whole, uncut, raw fruits and vegetables that are intended for washing by the CONSUMER before consumption; and
  - (2) Whole, uncut, raw fruits and vegetables and nuts in the shell, that require peeling or hulling before

consumption.

- (B) Chemicals used to wash or peel raw, whole fruits and vegetables or used in the treatment, storage, and processing of fruits and vegetables shall keep the FOOD and CONSUMER safe, such as being generally recognized as safe (GRAS) for this intended use or be an approved FOOD additive listed for this use in 21 CFR 173.

## **4-10. Reduced Oxygen Packaging Prohibited**

- (A) FOOD prepared by a HOME COOKING OPERATION for take-out or delivery shall be individually packaged to maintain FOOD safety and integrity, but in no instance using reduced oxygen packaging methods. Further, HOME COOKING OPERATIONS may only use reduced oxygen packaging FOOD that was made by a licensed commercial operation.
  - (1) For the purposes of this section, “reduced oxygen packaging” is defined as removing oxygen from a package, displacing and replacing oxygen with another gas or combination of gases, or controlling the oxygen content to a level that is below what is normally found in the surrounding atmosphere.
  - (2) For purposes of this subsection (1), “reduced oxygen packaging” includes:
    - (a) “vacuum packaging,” in which air is removed from a package of FOOD and the package is hermetically sealed so that a vacuum remains inside the package,
    - (b) “modified atmosphere packaging,” in which the proportion of air in a package is reduced, the oxygen is totally replaced, or when the

- proportion of other gases such as carbon dioxide or nitrogen are increased,
- (c) “canning” in which FOOD is heat processed and sealed in an airtight can or similar container,
  - (d) “controlled atmosphere packaging,” in which the atmosphere of a packaged commodity is modified so that until the package is opened, its composition is different from air, and continuous control of that atmosphere is maintained, such as by using oxygen scavengers or a combination of total replacement of oxygen, non-respiring FOOD, and impermeable packaging material,
  - (e) “cook-chill packaging,” in which cooked FOOD is hot filled into impermeable bags that have the air expelled and are then sealed or crimped closed and then chilled or refrigerated at temperatures that inhibit the growth of pathogens of public health significance; and
  - (f) “sous vide packaging,” in which raw or partially cooked FOOD is placed in a hermetically sealed, impermeable bag, cooked in the bag, rapidly chilled, and refrigerated at temperatures that inhibit the growth of pathogens of public health significance.

## **4-11. Preventing Contamination from Ice**

- (A) Ice for use as a FOOD or a cooling medium shall be made from drinking water.
- (B) Ice used as FOOD may not have any other uses prior to its use as FOOD, such as cooling canned beverages.

- (C) PACKAGED FOOD may not be stored in direct contact with ice or water if the FOOD is subject to the entry of water because of the nature of its packaging, wrapping, or container or its positioning in the ice or water.
- (D) UnPACKAGED FOOD may not be stored in direct contact with undrained ice, except that whole, raw fruits or vegetables; cut, raw vegetables such as celery or carrot sticks or cut potatoes; and tofu may be immersed in ice or water.

#### **4-12. Preventing Contamination from EQUIPMENT, UTENSILS, and LINENS**

- (A) FOOD shall only contact surfaces of:
  - (1) EQUIPMENT and UTENSILS that are cleaned and SANITIZED as specified under § 6-(5-7);
  - (2) SINGLE-SERVICE and SINGLE-USE ARTICLES;  
and
  - (3) Cleaned LINENS.

#### **4-13. Preventing Contamination from the Premises**

- (A) Except as specified in (C) of this section, FOOD shall be protected from contamination by storing the FOOD:
  - (1) In a clean, dry location; and
  - (2) Where it is not exposed to splash, dust, or other contamination.

- (B) Except as specified in (C) of this section, FOOD may not be stored:
- (1) Directly on the floor, unless in a sealable container; provided, however, that even if FOOD is in a sealable container, it must not be stored in the following locations:
    - (a) In toilet rooms;
    - (b) In dressing rooms;
    - (c) In garbage rooms;
    - (d) In mechanical rooms;
    - (e) Under open stairwells; or
    - (f) Under other sources of contamination.
  - (C) Pressurized BEVERAGE containers, cased FOOD in waterproof containers such as bottles or cans, and milk containers in plastic crates may be stored on a floor that is clean and not exposed to floor moisture.
  - (D) During preparation, unPACKAGED FOOD shall be protected from environmental sources of contamination.

#### **4-14. Preventing Contamination by Consumers**

- (A) Condiments shall be protected from contamination by being kept in:
- (1) dispensers that are designed to provide protection; or
  - (2) protected FOOD displays provided with the proper UTENSILS; or
  - (3) original containers designed for dispensing; or



- (4) individual PACKAGES or portions.

#### **4-15. Returned FOOD and Re-Service of FOOD**

- (A) Except as specified in (B) of this section, after being served or sold and in the possession of a CONSUMER, FOOD that is unused or returned by the CONSUMER may not be offered as FOOD for resale.
- (B) A container of FOOD that is not TIME/TEMPERATURE CONTROLLED FOR SAFETY FOOD may be RE SERVED from one CONSUMER to another if:
  - (1) The FOOD is dispensed so that it is protected from contamination and the container is closed between uses, such as a narrow-neck bottle containing catsup, steak sauce, or wine; or
  - (2) The FOOD, such as crackers, salt, or pepper, is in an unopened original PACKAGE and is maintained in sound condition.

#### **4-16. Destruction of Organisms of Public Health Concern in Raw Animal Foods**

- (A) FISH, that are intended for consumption in raw or undercooked form, may be offered for sale or service if they are obtained from a supplier or from a permit-holder who freezes the FISH according to LAW.
- (B) Raw animal FOODS such as EGGS, FISH, MEAT, POULTRY, and FOODS containing these raw animal FOODS, shall be cooked to heat all parts of the FOOD

to a temperature and for a time that ensures the safety of the FOOD for consumption.

- (C) Raw animal FOODS cooked in a microwave oven shall be:
  - (1) Rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat;
  - (2) Covered to retain surface moisture;
  - (3) Heated to a temperature that ensures the safety of the FOOD for consumption; and
  - (4) Allowed to stand covered for 2 minutes after cooking to obtain temperature equilibrium.

#### **4-17. Reheating for Hot Holding**

- (A) FOOD cooked, cooled, and reheated for hot holding must reach temperatures that ensure the safety of consumption.
- (B) Once FOOD is removed from a refrigerator, it must be reheated promptly and in no case can it sit outside of temperature control, such as above 41°F, for 2 hours or more before being reheated for consumption.

#### **4-18. Limitations of Growth of Organisms of Public Health Concern During Heating and Cooling**

- (A) Stored frozen FOODS shall be maintained frozen.
- (B) Frozen TIME/TEMPERATURE CONTROL FOR SAFETY FOOD that is being SLACKED shall be held during the slacking process:

- (1) Under refrigeration that maintains the FOOD temperature at 5°C (41°F) or less; or
  - (2) Outside of refrigeration, as long as the FOOD remains frozen.
- (C) TIME/TEMPERATURE CONTROL FOR SAFETY  
FOOD shall be thawed:
- (1) Under refrigeration that maintains the FOOD temperature at 5°C (41°F) or less; or
  - (2) Completely submerged under water that is maintained cold and maintains the FOOD temperature at 41°F or less; or
  - (3) In a microwave, while ensuring the temperature is evenly distributed throughout the FOOD, such as by rotating, stirring, allowing the FOOD to stand covered for 2 minutes after defrosting.
- (D) TIME/TEMPERATURE CONTROL FOR SAFETY  
FOOD must be cooked within 2 hours of being completely thawed, unless immediately refrigerated.
- (E) Cooked TIME/TEMPERATURE CONTROL FOR SAFETY FOOD shall be cooled as promptly as possible, but in no case later than:
- (1) 2 hours from 57°C (135°F) to 21°C (70°F); and
  - (2) a total of 6 hours from 57°C (135°F) to 5°C (41°F).
- (F) TIME/TEMPERATURE CONTROL FOR SAFETY  
FOOD prepared from ingredients at ambient temperature shall be cooled within 4 hours to 5°C (41°F) or less.
- (G) The FOOD must be protected from contamination during the cooling process.

## **4-19. Limitations of Growth of Organisms of Public Health Concern While FOOD is Maintained Hot or Cold**

**(A) TIME/TEMPERATURE CONTROL FOR SAFETY**

FOOD that is being held shall be maintained:

- (1) At 57°C (135°F) or above; or
- (2) At 5°C (41°F) or less.

**(B) Time without temperature control may be used as the public health control up to a maximum of 4 hours only if the following conditions are met:**

- (1) The FOOD shall have an initial temperature of 5°C (41°F) or less when removed from cold holding temperature control, or 57°C (135°F) or greater when removed from hot holding temperature control;
- (2) The FOOD shall be marked or otherwise identified to indicate the time that is 4 hours past the point in time when the FOOD is removed from temperature control; and
- (3) The FOOD shall be cooked and served, served at any temperature if READY-TO-EAT, or discarded, within 4 hours from the point in time when the FOOD is removed from temperature control.

**(C) A HOME COOKING OPERATION that serves a HIGHLY SUSCEPTIBLE POPULATION may not use time as specified in this section as the public health control for raw EGGS or undercooked products of animal origin.**

## **4-20. Discarding or Reconditioning Unsafe, Adulterated, or Contaminated FOOD**

- (A) A FOOD that is unsafe, ADULTERATED, or not honestly presented shall be discarded.
- (B) FOOD that is not from an APPROVED source shall be discarded.
- (C) FOOD that may have been contaminated by FOOD EMPLOYEES, CONSUMERS, or other persons through contact with their hands, bodily discharges, such as nasal or oral discharges, or other means shall be discarded.
- (D) FOOD may be relabeled or cured to ensure its safety and compliance with LAW.

## **4-21. Lawful Food Donation**

- (A) The practice of donating surplus food to another party, for ultimate distribution to needy individuals, is a lawful practice for a HOME COOKING OPERATION.
- (B) Food must be discarded if it is unsafe, adulterated, unprotected from contamination, or has not followed time and temperature controls for TIME/TEMPERATURE CONTROL FOR SAFETY FOODS.
- (C) FOOD transported by a HOME COOKING OPERATION for donation shall be maintained and delivered at or below 5 degrees Celsius (41 degrees Fahrenheit) for cold FOODS or above 57 degrees Celsius (135 degrees Fahrenheit) for hot FOODS.
  - (1) FOODS received at a temperature between 5 and 57 degrees Celsius (41 and 135 degrees Fahrenheit)

that have been within that range for less than four hours must be immediately served.

- (2) FOODS received at a temperature between 5 and 57 degrees Celsius (41 and 135 degrees Fahrenheit) that have been within that range for more than four hours may not be donated.
- (D) Donated prepared foods should be labeled consistent with this Code and federal law. Labels on donated prepared FOODS need only include the following information:
  - (1) The name and location of the donor and of the recipient organization;
  - (2) A description of the FOOD;
  - (3) The date the FOOD was donated;
  - (4) A disclaimer that the food may contain or have come into contact with a MAJOR
  - (5) FOOD ALLERGEN(S).
- (E) Donated fresh produce does not require any labeling.

## 5. Packaging and Labeling

### 5-1. Labeling

- (A) To the extent applicable, FOOD PACKAGED in a FOOD ESTABLISHMENT, shall be labeled as specified in LAW, including 21 CFR 101 - Food labeling, and 9 CFR 317 Labeling, marking devices, and containers.
- (B) At a minimum, a HOME COOKING OPERATION shall clearly and conspicuously place on the label of any FOOD it sells in a container, on a sign or menu at the point of sale if the FOOD is not sold in a container, and on any webpage or mobile application where the FOOD can be ordered the following information:
  - (1) The name of and contact information for the HOME COOKING OPERATION.
  - (2) The common or usual name of the HOME COOKING OPERATION product.
  - (3) The ingredients of the HOME COOKING OPERATION product, in descending order of predominance by weight.
  - (4) Disclosure of any “major food allergen,” as defined in the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 321 (qq), as amended.
  - (5) To the extent applicable, the following disclosures:
    - (a) Foraged FOODs shall be labeled “wild harvested FOOD, not inspected by [state] department of [agriculture].”
    - (b) Unpasteurized juices that have been made in and by the HOME COOKING OPERATION must be prominently and conspicuously labeled with the following, “WARNING: This product has not been pasteurized and, therefore, may contain harmful bacteria that can cause serious illness

in children, the elderly, and persons with weakened immune systems.”

- (c) Raw or undercooked FOODS of animal origin disclosure shall be labeled with a disclosure:
  - (i) Consuming raw or undercooked MEATS, POULTRY, seafood, shellfish, or EGGS may increase your RISK of FOODborne illness, especially if you have certain medical conditions.
- (6) The following statement printed in at least the equivalent of 11-point font size in a color that provides a clear contrast to the background: “Made in a HOME COOKING OPERATION. This product may contain allergens.”
- (c) The required information shall appear in conspicuous and easily legible type in distinct contrast from other matter but in no case shall the required information be smaller than the type size of the smallest menu item name.
- (D) No labeling, advertising or marketing of a HOME COOKING OPERATION’S FOOD shall include a “nutrient content claim” as defined in 21 CFR 101.13(b), or a “health claim” as defined in 21 CFR 101.14(a)(1).
- (E) All required information appearing in a foreign language on a MENU, label, or in advertising or marketing must also be provided in English. Numeric characters that are identical in both languages do not have to be repeated.

## 5-2. Containers

- (A) Every HOME COOKING OPERATION utilizing SINGLE-USE items shall use biodegradable, compostable or recyclable products (such as products



certified by the Biodegradable Product Institute), unless there is no affordable alternative available.

- (B) No HOME COOKING OPERATION may sell or otherwise provide any single-use polystyrene/plastic foam product which is not wholly encapsulated or encased within a more durable material. This specifically includes, but is not limited to, plastic straws, lids, cutlery, to-go condiment packages, cups, plates, bowls, and clamshells.
- (C) The REGULATORY AUTHORITY may not forbid the use of reusable containers.
- (D) All HOME COOKING OPERATIONS are encouraged to provide a twenty-five-cent credit for customers using their own clean and sanitized containers, as provided in § 5-3(A), as packaging for commodities subject to the provisions/requirements of this Chapter and the state code.

### 5-3. Returnables

- (A) Take-out, refillable BEVERAGE and FOOD containers owned by the CONSUMER or COOK, such as thermally insulated bottles, non-spill coffee cups, or glass tupperware may be filled or refilled by COOKS, provided:
  - (1) the container was designed and constructed for reuse;
  - (2) the design of the container and of the rinsing EQUIPMENT, when considered together, allows for effective cleaning; and
  - (3) the COOKS wash their hands immediately after handling a BEVERAGE or FOOD container provided by the consumer.

## **6. Equipment, Utensils, Linens, Chemicals**

### **6-1. EQUIPMENT, UTENSILS, FOOD CONTACT SURFACES** **Characteristics**

- (A) The REGULATORY AUTHORITY shall not require the use of commercial grade EQUIPMENT within a HOME COOKING OPERATION.
- (B) Materials that are used for UTENSILS and FOOD-CONTACT SURFACES shall be:
  - (1) FOOD-safe (including, but not limited to, free of lead, free of galvanized metal);
  - (2) Durable, CORROSION-RESISTANT, and nonabsorbent;
  - (3) Able to withstand repeated WAREWASHING;
  - (4) Finished to have a SMOOTH, EASILY CLEANABLE surface; and
  - (5) Resistant to pitting, chipping, crazing, scratching, scoring, distortion, and decomposition.
- (C) If wood is used for FOOD CONTACT SURFACES or UTENSILS, only hard woods (such as maple) shall be used.
- (D) All FOOD CONTACT SURFACES, EQUIPMENT, and UTENSILS, such as cutting boards and non-stick pans, must be in good repair and condition so as to be effectively cleaned and sanitized. When they no longer meet the requirements listed above due to wear and tear or scratches, they must be discarded or replaced.

- (E) If it is or becomes impossible to wash and sanitize EQUIPMENT, UTENSILS, FOOD CONTACT SURFACES per the requirements in this chapter, COOKS must use only SINGLE-USE UTENSILS and SINGLE SERVICE articles that meet the requirements in § 6-1(F).
- (F) SINGLE SERVICE and SINGLE USE articles must be safe for their intended use and may not be re-used.
- (G) If sponges are used, the COOKS shall:
  - (1) replace them regularly;
  - (2) SANITIZE them often;
  - (3) not use sponges on SANITIZED surfaces; and
  - (4) use sponges to clean utensils only if the utensils will be SANITIZED after.
- (H) Non-FOOD CONTACT SURFACES in the kitchen that are involved in or adjacent to HOME COOKING OPERATION must be easily cleanable and must be kept clean and sanitized.
- (I) All EQUIPMENT (including, but not limited to, ventilation systems and barbecues) must be EASILY CLEANABLE (including removing component parts to be cleaned and/or replaced), and must be kept clean.

## **6-2. Storage of EQUIPMENT, FOOD, UTENSILS, and Other Items Used in HOME COOKING OPERATION**

- (A) Cleaned and SANITIZED EQUIPMENT and UTENSILS, and FOOD, may not be located:
  - (1) In toilet rooms;
  - (2) In garbage rooms;
  - (3) In mechanical rooms; or

- (4) Under other sources of contamination.

### **6-3. TEMPERATURE MEASURING DEVICES**

- (A) A TEMPERATURE MEASURING DEVICE shall be present in the refrigerator or freezer and also in the kitchen (to be used to measure the heat of cooked meat).
- (B) FOOD TEMPERATURE MEASURING DEVICES may not have sensors or stems constructed of glass, except that thermometers with glass sensors or stems that are encased in a shatterproof coating, such as candy thermometers, may be used.
- (C) FOOD TEMPERATURE MEASURING DEVICES shall be accurate to  $\pm 2^{\circ}\text{F}$  in the intended range of use.
- (D) Ambient air and water TEMPERATURE MEASURING DEVICES shall be accurate to  $\pm 3^{\circ}\text{F}$  in the intended range of use.
- (E) FOOD TEMPERATURE MEASURING DEVICES shall be calibrated in accordance with manufacturer's specifications as necessary to ensure their accuracy.
- (F) Ambient air temperature, water pressure, and water TEMPERATURE MEASURING DEVICES shall be maintained in good repair and be accurate within the intended range of use.

### **6-4. Hot and Cold Holding**

- (A) A TEMPERATURE MEASURING DEVICE shall be present in the refrigerator or freezer and also in the kitchen (to be used to measure the heat of cooked meat).

- (B) FOOD TEMPERATURE MEASURING DEVICES may not have sensors or stems.

## **6-5. Cleaning of EQUIPMENT, UTENSILS, FOOD-CONTACT SURFACES, and NON-FOOD CONTACT SURFACES**

- (A) EQUIPMENT, UTENSILS, FOOD-CONTACT SURFACES, and NON-FOOD CONTACT SURFACES shall be clean to sight and touch, such as being free of dust, dirt, FOOD residue, grease accumulation, or other potential sources of contamination.
- (B) Unless otherwise specified, all EQUIPMENT, UTENSILS, FOOD-CONTACT SURFACES, and NON-FOOD CONTACT SURFACES shall be washed and sanitized prior to and throughout the HOME COOKING OPERATIONS, as necessary.
- (C) EQUIPMENT, FOOD-CONTACT SURFACES and UTENSILS shall be cleaned and sanitized:
  - (1) Before each use with a different type of raw animal FOOD such as beef, FISH, lamb, pork, or POULTRY;
  - (2) Each time there is a change from working with raw FOODS to working with READY-TO-EAT FOODS;
  - (3) Between uses with raw fruits and vegetables and with TIME/TEMPERATURE CONTROL FOR SAFETY FOOD;
  - (4) Before using or storing a FOOD TEMPERATURE MEASURING DEVICE;
  - (5) At any time during the operation when contamination may have occurred; and,
  - (6) At any other time necessary to preclude accumulation of soil residues, FOOD residues, or

other residues. The cleaning schedule is based on:

- (a) The type of FOOD involved,
  - (b) The amount of FOOD residue accumulation,  
and
  - (c) The temperature at which the FOOD is  
maintained during the operation and the  
potential for the rapid and progressive  
multiplication of pathogenic or toxigenic  
microorganisms that are capable of causing  
FOODborne disease; or
- (D) If in-use UTENSILS are intermittently stored in a  
container of water, the water must be maintained at  
57°C (135°F) or more and must be placed in the water a  
frequency necessary to preclude accumulation of soil  
residues.
- (E) Sinks must be cleaned and sanitized between uses,  
such as between handwashing, thawing FOOD, or  
washing produce.
- (F) HOME COOKING OPERATIONS shall maintain  
adequate supplies of cleaning supplies, such as  
cleaning agents, disinfectants, and soap.

## **6-6. WAREWASHING machine**

- (A) A HOME COOKING OPERATION may use a  
WAREWASHING machine to clean EQUIPMENT,  
UTENSILS, and FOOD CONTACT SURFACES if:
- (1) the WAREWASHING machine is used in  
accordance with the manufacturer's specifications;  
and
  - (2) the hot water used in the WAREWASHING  
machine reaches and maintains the water at a

temperature of at least 170°F to sanitize the dishes;  
and

- (3) the EQUIPMENT, UTENSILS, or FOOD CONTACT SURFACES fit completely within the WAREWASHING machine so that all component parts can be and are adequately washed.
- (B) Soiled items to be cleaned in a WAREWASHING machine shall be loaded into machine in a manner that:
  - (1) Exposes the items to the unobstructed spray from all cycles; and
  - (2) Allows the items to drain.
- (C) If those requirements are not met, a HOME COOKING OPERATION must hand-wash EQUIPMENT, UTENSILS, and FOOD CONTACT SURFACES meeting the requirements in § 6-7.

## **6-7. Manual WAREWASHING and SANITIZING**

- (A) When manually warewashing EQUIPMENT, UTENSILS, and MULTI-USE FOOD CONTACT SURFACES, the temperature of the wash solution in manual WAREWASHING EQUIPMENT shall be maintained at not less than 43°C (110°F) or the temperature specified on the cleaning agent manufacturer's label instructions.
- (B) the WAREWASHING EQUIPMENT shall contain the appropriate solution of soap, detergent, degreaser, or other cleaning agent according to the cleaning agent manufacturer's label instructions and as appropriate for the specific EQUIPMENT, UTENSILS, or FOOD CONTACT SURFACES being cleaned.

- (C) The HOME COOKING OPERATION shall ensure that the methods of cleaning are appropriate for the specific EQUIPMENT, UTENSILS, or FOOD CONTACT SURFACES to ensure the EQUIPMENT, UTENSILS, or MULTI-USE FOOD CONTACT SURFACES remain in the conditions set out in § 6-1, such as using a non-abrasive cleaning UTENSIL on non-stick pans.
- (D) The HOME COOKING OPERATION shall ensure that all of the chemicals used to clean the EQUIPMENT, UTENSILS, or FOOD CONTACT SURFACES are completely rinsed off after washing.
- (E) If immersion in hot water is used for sanitizing in a manual operation, the temperature of the water shall be maintained at 77°C (171°F) or above and
  - (1) EQUIPMENT FOOD CONTACT SURFACE is submerged for at least 30 seconds at the required temperature; or
  - (2) Apply sanitizing chemicals by immersion, manual swabbing, brushing, or pressure spraying methods for an amount of time in accordance with label instructions.

## **6-8. Maintaining Clean LINENS**

- (A) Clean LINENS shall be free from FOOD residues and other soiling matter.
- (B) LINENS that do not come in direct contact with FOOD shall be laundered between operations if they become wet, sticky, or visibly soiled.
- (C) LINENS that come into direct contact with FOOD shall be laundered between each use.
- (D) Soiled LINENS shall be kept in a manner so as to prevent contamination of FOOD, clean EQUIPMENT,



clean UTENSILS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.

- (E) LINENS shall be mechanically washed according to the manufacturer's instructions or can be manually washed using detergent, hot water at 130 degrees Fahrenheit or higher, and ample rinsing so as to adequately clean and sanitize the LINENS.
- (F) If the HOME COOKING OPERATION does not have a mechanical dryer, linens shall be air-dried in a location and in a manner that prevents contamination.

## **6-9. Wiping Cloths, Use Limitation**

- (A) Cloths in-use for wiping FOOD spills from TABLEWARE and carry out containers that occur as FOOD is being served shall be:
  - (1) Maintained dry; and
  - (2) Used for no other purpose.
- (B) Cloths in-use for wiping counters and other EQUIPMENT surfaces shall be:
  - (1) Held between uses in a chemical sanitizer solution; and
  - (2) Laundered daily.
- (C) Cloths in-use for wiping surfaces in contact with raw animal FOODS shall be kept separate from cloths used for other purposes.
- (D) Dry wiping cloths and the chemical sanitizing solutions specified in Subparagraph § (B)(1) of this section in which wet wiping cloths are held between uses shall be free of FOOD debris and visible soil.
- (E) Containers of chemical sanitizing solutions specified in Subparagraph § (B)(1) of this section in which wet

wiping cloths are held between uses shall be stored off the floor and used in a manner that prevents contamination of FOOD, EQUIPMENT, UTENSILS, LINENS, SINGLE-SERVICE, or SINGLE-USE ARTICLES.

- (F) SINGLE-USE disposable sanitizer wipes shall be used in accordance with Environmental Protection Agency-approved manufacturer's label use instructions.

## **6-10. Preventing Contamination**

- (A) After cleaning and sanitizing, EQUIPMENT and UTENSILS:
  - (1) Shall be dried.
  - (2) May not be cloth dried except that UTENSILS that have been dried may be polished with cloths that are maintained clean and dry.
- (B) Cleaned EQUIPMENT and UTENSILS, laundered LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES shall be stored in a clean, dry location.
- (C) SINGLE-SERVICE and SINGLE-USE ARTICLES shall be kept in the original protective PACKAGE or stored by using other means that afford protection from contamination until used.
- (D) SINGLE-SERVICE and SINGLE-USE ARTICLES and cleaned and SANITIZED UTENSILS shall be handled, displayed, and dispensed so that contamination of FOOD- and lip-contact surfaces is prevented.
- (E) Knives, forks, spoons, and serving UTENSILS that are not pre-wrapped shall be presented so that only the handles are touched by COOKS and by CONSUMERS if CONSUMER self-service is provided.
- (F) If dine-in service is offered, soiled TABLEWARE shall be removed from CONSUMER eating and drinking

areas and handled so that clean TABLEWARE is not contaminated.

## **6-11. Poisonous or Toxic Materials**

(A) When working or cleaning with POISONOUS or TOXIC MATERIALS, the PERMIT HOLDER must:

- (1) Use POISONOUS or TOXIC MATERIALS according to the manufacturer's label and in such a way that it does not contaminate food, equipment, utensils, linens, and single-service and single-use articles.
- (2) Store POISONOUS or TOXIC MATERIALS so that they cannot contaminate food, equipment, utensils, linens, and single-service and single-use articles.
- (3) Not store food, utensils, linens, or other equipment in containers that previously held POISONOUS or TOXIC MATERIALS.
- (4) Affix a legible manufacturer's label of POISONOUS or TOXIC MATERIALS or, if put into smaller containers, the containers shall be individually labeled with the common name of the material.

(B) Poisonous or toxic materials shall be:

- (1) Used according to Law and this Code and the manufacturer's use directions;
- (2) Manufacturer's use directions included in labeling, and, for a pesticide, manufacturer's label instructions that state that use is allowed on FOOD contact surfaces;
- (3) Applied so that they do not create a hazard to COOKS or other persons; and
- (4) Applied so that they do not contaminate food, equipment, utensils, linens, and single-service and

single-use articles, such as removing the items or covering items with an impermeable cover.

- (C) Cleaning solutions for FOOD CONTACT SURFACES must be formulated for FOOD contact surfaces and shall be disinfecting.
- (D) Chemicals used to wash or peel raw, whole fruits and vegetables or used in the treatment, storage, and processing of fruits and vegetables shall keep the FOOD and consumer safe, such as being generally recognized as safe for this intended use or be an approved FOOD additive listed for this use in 21 CFR 173.

## 7. Physical Facilities: Water, Plumbing, Waste, Prohibiting Animals

### 7-1. Water

- (A) Drinking water<sup>4</sup> shall be obtained from an APPROVED source that is:
- (1) A public water system that meets federal and state drinking water quality standards; or
  - (2) A nonpublic water system, such as a home well, that is constructed, maintained, and operated according to LAW; or
  - (3) A source that has been tested and meets state standards, such as a water transport vehicle or water container; or
  - (4) BOTTLED DRINKING WATER obtained from commercial sources, such as grocery stores or other retail establishments.
- (B) The most recent sample report for the nonpublic water system shall be retained on file in the HOME COOKING OPERATION or the report shall be maintained as specified by state water quality regulations.
- (C) The water source and system shall be of sufficient capacity and ability to meet the peak water demands (including temperature) of the HOME COOKING OPERATION.
- (D) Water under pressure shall be provided to all fixtures, equipment, and nonFOOD equipment that are required to use water except that water supplied as specified under § 7-1(E)(1-4) in response to a temporary

<sup>4</sup>Requirements for drinking water vary per state. You may want to consider the frequency by which a non-public water source is tested.

interruption of a water supply need not be under pressure.

- (E) If the HOME COOKING OPERATION experiences a temporary interruption of its water supply, the HOME COOKING OPERATION shall meet the requirements for water in § 7-1 through:
- (1) A supply of containers of commercially bottled drinking water;
  - (2) One or more closed portable water containers;
  - (3) An enclosed vehicular water tank;
  - (4) An on-premises water storage tank; or
  - (5) Piping, tubing, or hoses connected to an adjacent APPROVED source.

## **7-2. Plumbing System**

- (A) A plumbing system and hoses conveying water shall be designed, constructed, installed, and repaired in accordance with law applicable to private residences.
- (B) Plumbing system shall be maintained in good repair.
- (C) A plumbing fixture such as a HANDWASHING SINK, toilet, or urinal shall be EASILY CLEANABLE.
- (D) Any water filter must be able to be disassembled for periodic cleaning and maintenance, performed on a schedule according to the manufacturer specifications. The water filter itself must be replaceable and replaced on the recommended schedule.
- (E) The drinking water system and any non drinking water system must remain separate and distinguishable from each other so as to prevent cross-contamination.

### **7-3. Refuse, Recyclables, and Returnables**

- (A) Refuse, recyclables, and returnables must be kept, maintained, and stored in a way that does not contaminate the FOOD, UTENSILS, EQUIPMENT, or FOOD-contact surfaces.
- (B) Waste handling receptacles shall be durable, cleanable, insect- and rodent-resistant, leakproof, and nonabsorbent and maintained in good repair.
- (C) Waste handling receptacles shall be located in the kitchen or other area(s) where FOOD is being prepared.
- (D) Waste handling receptacles shall be removed from the premises at a frequency that will minimize the development of objectionable odors and other conditions that attract or harbor insects and rodents.
- (E) Soiled waste handling receptacles shall be cleaned or replaced at a frequency necessary to prevent them from developing a buildup of soil or becoming attractants for insects and rodents.

### **7-4. Indoor Physical Facilities**

- (A) Materials for indoor floor and wall surfaces under conditions of normal use shall be easily cleanable and nonabsorbent for areas subject to moisture such as FOOD preparation areas, refrigerators, warewashing areas, toilet rooms, and areas subject to spray cleaning methods.
- (B) Mats and duckboards shall be designed to be removable and easily cleanable.

- (C) Ceilings, wall and ceiling covering materials, decorative items, and attachments shall be kept clean.
- (D) Light bulbs shall be shielded, coated, or otherwise shatter-resistant in areas where there is exposed FOOD; clean equipment, utensils, and linens; or unwrapped single-service and single-use articles.
- (E) There must be lighting in FOOD prep and washing areas adequate to ensure the safety of the FOOD and adequacy of cleaning.
- (F) Eating, drinking, and using tobacco shall be conducted in such a manner so that FOOD, equipment, linens, and single-service and single-use articles are protected from contamination.
- (G) Gases, odors, steam, heat, grease, vapors, fumes, and smoke must be able to escape from the HOME COOKING OPERATION and rooms must be kept free of excessive amounts of these air contaminants.
  - (1) VENTILATION SYSTEM and devices used shall be sufficient in number and capacity to prevent grease or condensation from collecting on walls and ceilings.

## 7-5. Toilet Room

- (A) HOME COOKING OPERATIONS must have at least one (1) toilet and that toilet room must:
  - (1) be completely enclosed and provided with a tight-fitting and self-closing door; and
  - (2) have an adequate supply of toilet tissue; and
  - (3) be accessible to COOKS during all hours of operation.



- (B) The outer door to the toilet must be closed during hours of HOME COOKING OPERATION operation.

## 7-6. Handwashing Sink

- (A) A HOME COOKING OPERATION must have a HANDWASHING SINK accessible at all times with water at least 38°c (100°f) and supplied with:
  - (1) Handwashing cleanser, such as a supply of hand cleaning liquid, powder, or bar soap.
  - (2) A manner by which to dry hands.
    - (a) If disposable towels are provided, a waste receptacle must be made available.
    - (b) If reusable towels are provided, they must be laundered between each use.
- (B) A HANDWASHING SINK shall be located:
  - (1) To allow convenient use by COOKS in area where the HOME COOKING OPERATION operations take place; and
  - (2) In, or near, a toilet room(s).

## 7-7. Maintenance and Operation

- (A) Physical Facilities shall be maintained in good repair and kept clean.
- (B) Ventilation systems shall be cleaned and filters changed so they are not a source of contamination by dust, dirt, and other materials.
- (C) Maintenance tools such as brooms, mops, vacuum cleaners, and similar items shall be cleaned, dried,

and stored so they do not contaminate FOOD, EQUIPMENT, UTENSILS, LINENS, SINGLE-USE UTENSILS and SINGLE SERVICE articles.

## **7-8. Exterior**

- (A) Perimeter walls and roofs of a HOME COOKING OPERATION shall effectively protect the HOME COOKING OPERATION from the weather and the entry of insects, rodents, and other animals.

## **7-9. Controlling Pests**

- (A) The premises shall be maintained free of insects, rodents, and other pests.
- (B) Rodent bait shall be contained in a covered, tamper-resistant bait station.

## **7-10. Prohibiting Animals**

- (A) Except as specified in (B) of this section, live animals may not be allowed inside the HOME COOKING OPERATION during FOOD preparation and distribution times.
- (B) Live animals may be allowed in other areas of the house, including the kitchen during non-HOME COOKING OPERATION hours, if contamination of FOOD, clean equipment, utensils, and linens, and unwrapped single-service and single-use articles cannot result.

## 8. Compliance and Enforcement

### 8-1. Inspections

- (A) After the initial inspection for purposes of determining permit eligibility, a HOME COOKING OPERATION shall be subject to inspections only in the following three circumstances:
- (1) Not more than once in any twelve-month period, the REGULATORY AUTHORITY may conduct a routine inspection for the purpose of observing the operator engaged in the usual activities of a HOME COOKING OPERATION, including, but not limited to, active food preparation. The REGULATORY AUTHORITY shall provide notice to the PERMIT HOLDER before a routine inspection and shall conduct the routine inspection at a mutually agreeable date and time. This paragraph shall not be deemed to require the REGULATORY AUTHORITY to conduct a routine inspection.
  - (2) A for-cause inspection may be conducted when the REGULATORY AUTHORITY has a valid reason, such as a credible consumer complaint, to suspect that adulterated or otherwise unsafe food has been produced by the HOME COOKING OPERATION or that the HOME COOKING OPERATION has otherwise been in violation of this Code. The REGULATORY AUTHORITY shall provide notice to an operator before conducting a for-cause inspection and shall conduct the inspection at a mutually agreeable date and time.
  - (3) If the REGULATORY AUTHORITY has just cause to believe that the HOME COOKING OPERATION poses a serious hazard or immediate threat to public health, the REGULATORY AUTHORITY

may conduct an emergency inspection that is limited to the facts prompting the inspection. The REGULATORY AUTHORITY shall provide the operator with notice of an emergency inspection to the extent that it is reasonable to do so under the circumstances.

- (B) The REGULATORY AUTHORITY may decline to grant a new PERMIT, may decline to renew a PERMIT, and may suspend or revoke a PERMIT already granted after due notice and opportunity for hearing whenever it finds that:
- (1) Any statement contained in an application for a license is or was false or misleading;
  - (2) The HOME COOKING OPERATION does not have facilities or EQUIPMENT sufficient to maintain adequate sanitation for the activities conducted;
  - (3) The HOME COOKING OPERATION is not maintained in a clean and sanitary condition or is not operated in a sanitary manner;
  - (4) The maintenance and operation of the HOME COOKING OPERATION is such that the food produced therein is or may be ADULTERATED;
  - (5) The HOME COOKING OPERATION has failed or refused to produce any records or provide any information demanded by the REGULATORY AUTHORITY reasonably related to the administration and enforcement of this Code; or
  - (6) The HOME COOKING OPERATION has failed to comply with any of the provisions of this Code.

## **8-2. Investigation After Complaint**

- (A) A for-cause or emergency inspection of a HOME COOKING OPERATION may include:

- (1) Examination, sampling, and testing of FOOD to determine if the FOOD was misbranded or ADULTERATED;
- (2) Interviews regarding the health of the COOKS to determine if the COOKS:
  - (a) have possibly transmitted disease; or
  - (b) may be a carrier of infectious agents that cause a disease that is transmissible through FOOD; or
  - (c) are affected with a boil, an infected wound, or acute respiratory infection.

### **8-3. Permit suspension, revocation, nonrenewal**

- (A) If the REGULATORY AUTHORITY suspends, revokes, or declines to renew a permit, it must provide the PERMIT HOLDER an order within five (5) business days, that includes:
  - (1) List of violations with explanations and instructions on how to cure the violations;
  - (2) The name and address of the REGULATORY AUTHORITY representative to whom a request for an appeal hearing may be made.
- (B) The regulatory authority shall reinstate a suspended HOME COOKING OPERATION PERMIT when the conditions causing the permit suspension are no longer present.

## **8-4. RESTRICTION or EXCLUSION of a COOK**

- (A) If the REGULATORY AUTHORITY issues a RESTRICTION or EXCLUSION order to a COOK who is suspected of being infected or diseased, or suspends a HOME COOKING OPERATION PERMIT based on the findings of an investigation related to a COOK who is suspected of being infected or diseased, it must provide the PERMIT HOLDER an order within five (5) business days, that includes:
- (1) The reasons for the order;
  - (2) The evidence that the COOK or PERMIT HOLDER shall provide lift the RESTRICTION or the PERMIT suspension order and instructions on how to reinstate the PERMIT; and
  - (3) The name and address of the REGULATORY AUTHORITY representative to whom a request for an appeal hearing may be made.
- (B) The REGULATORY AUTHORITY shall release a COOK from RESTRICTION or EXCLUSION when the conditions causing the RESTRICTION or EXCLUSION are no longer present.

## **8-5. Emergency Health Hazards: Ceasing Operations, Reporting, and Resuming Operations**

- (A) Except as specified in (B) of this section, a PERMIT HOLDER shall immediately discontinue operations and notify the REGULATORY AUTHORITY if an imminent health hazard may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, sewage backup, misuse

of poisonous or toxic materials, onset of an apparent FOODborne illness outbreak, gross insanitary occurrence or condition, or other circumstance that may endanger public health.

- (B) A PERMIT HOLDER need not discontinue operations in an area of an HOME COOKING OPERATION that is unaffected by the imminent health hazard.
- (C) If operations are discontinued as specified under (A) or otherwise according to law, the permit holder shall obtain approval from the REGULATORY AUTHORITY before resuming operations.

## **8-6. Penalties for Violations of the Home Cooking Operation Chapter**

- (A) Notwithstanding any other provision of law to the contrary and except in circumstances posing an imminent, serious risk to public health, the REGULATORY AUTHORITY shall issue a warning letter or notice of violation to any person it finds to be in violation of this chapter or the regulations adopted pursuant to this chapter, and provide the alleged violator a reasonable opportunity to cure the violation, before the REGULATORY AUTHORITY seeks an administrative remedy or penalty. Agency and local authority enforcement powers shall be limited to investigations, inspections, warnings, and restrictions, suspensions or revocations of a permit.

## **9. Local Laws, Delivery, Online Food Marketplaces, and Monitoring**

### **9-1. No Different or Additional Local Requirements**

- (A) A local REGULATORY AUTHORITY shall not require a HOME COOKING OPERATION to comply with requirements that are different from, or in addition to, the requirements of the [Home Cooking Operations Act] and this Code.

### **9-2. No Different or Additional Local Requirements**

- (A) HOME COOKING OPERATIONS may deliver FOOD and BEVERAGES to CONSUMERS by themselves, through an employee, family member, a household member of the PERMIT HOLDER or through a THIRD-PARTY DELIVERY SERVICE.

### **9-3. ONLINE FOOD MARKETPLACE**

- (A) An ONLINE FOOD MARKETPLACE that lists or promotes a HOME COOKING OPERATION on its internet website or mobile application shall meet all of the following requirements:
- (1) Be registered with the STATE AGENCY.
  - (2) Prior to the listing or publication of a HOME COOKING OPERATION's offer of food for sale,



clearly and conspicuously post on its internet website or mobile application the requirements for the permitting of a HOME COOKING OPERATION specified in this chapter, which shall be written at the high school level and translated into relevant languages.

- (3) Clearly and conspicuously post on its internet website or mobile application the fees associated with using its marketplace or delivery service in a manner that allows both the consumer and the HOME COOKING OPERATION to see and understand the amount being charged for the services provided by the ONLINE FOOD MARKETPLACE.
- (4) Shall notify HOME COOKING OPERATIONS of any changes to these fees exceeding a 2-percent increase in writing and no later than one month before the changes take effect.
- (5) Clearly and conspicuously post on its internet website or mobile application whether or not ONLINE FOOD MARKETPLACE has liability insurance that would cover the HOME COOKING OPERATION'S liability arising from the sale or consumption of food listed or promoted on its internet website or mobile application.
- (6) Shall allow COOKS to deliver FOOD and BEVERAGES to CONSUMERS by themselves, through an employee, family member, a household member of the PERMIT HOLDER or through a THIRD-PARTY DELIVERY SERVICE.
- (7) Shall ensure COOKS have control over and the right to bulk export their data on ONLINE FOOD MARKETPLACES, including all the pieces of information that are essential to their business, such as customer contact information, sales history, pricing, ratings, and reviews but excluding proprietary information provided by the ONLINE FOOD MARKETPLACE. The ONLINE FOOD

MARKETPLACE must obtain the necessary consent from all consumers who purchase through the application to provide their contact information to the COOKS.

- (8) Establish a COOK advisory board and a formal process to notify and solicit input from all COOKS on their satisfaction with platform service offerings, fees, reviews, estimated hourly earnings at least once annually. COOKS must also be given an opportunity to provide open-ended feedback on their experience using the platform. All data and responses must be made publicly available in anonymized form within 3 months of collection and presented to the company's Board or executive leadership on no less than an annual basis. This requirement is waived for ONLINE FOOD MARKETPLACES that have at least 20% of their Board of Directors composed of members selected by a democratic or representative process involving all COOKS using the platform.
- (9) Provide a dedicated field on its marketplace for a HOME COOKING OPERATION to post its permit number and name of the issuing REGULATORY AUTHORITY, and provide notice to the HOME COOKING OPERATION of the requirement that the permit number be updated in timely manner.
- (10) Clearly and conspicuously post on its internet website or mobile application a link explaining how a consumer can contact the ONLINE FOOD MARKETPLACE if the consumer has a food safety or hygiene complaint, and a link to the REGULATORY AUTHORITY's internet website that contains information for how to file a complaint with the REGULATORY AUTHORITY.
- (11) Submit the name and permit number of a HOME COOKING OPERATION to the REGULATORY AUTHORITY that issued the permit if the ONLINE FOOD MARKETPLACE receives two or more credible, unrelated, individual food safety or

hygiene complaints in a calendar year from consumers that have purchased food through its internet website or mobile application.

- (12) If an ONLINE FOOD MARKETPLACE is notified by the REGULATORY AUTHORITY of significant food safety related complaints from a verified consumer that has made a purchase through its internet website or mobile application, submit to the REGULATORY AUTHORITY the name and permit number of HOME COOKING OPERATION from which the food was purchased, and a list of consumers who purchased food on the same day from that HOME COOKING OPERATION through its internet website or mobile application.
- (13) Before allowing a HOME COOKING OPERATION to use its services, obtain consent from the HOME COOKING OPERATION to make the disclosures to government entities required under this section.

## **9-4. THIRD-PARTY DELIVERY SERVICE**

- (A) A THIRD-PARTY DELIVERY SERVICE that delivers HOME COOKING OPERATION food must:
  - (1) Clearly and conspicuously post on its internet website or mobile application the fees associated with using its delivery service in a manner that allows both the consumer and the HOME COOKING OPERATION to see and understand the amount being charged for the services provided by the THIRD-PARTY DELIVERY SERVICE delivering HOME COOKING OPERATION food.
  - (2) Notify HOME COOKING OPERATIONS of any changes to these fees exceeding a 2-percent increase in writing and no later than one month before the changes take effect.

- (3) Shall ensure drivers delivering HOME COOKING OPERATION food shall be certified food handlers who have shown proficiency of required information through passing a test that is part of an ACCREDITED PROGRAM.
- (4) Shall ensure that the MEHKO name, city and permit number is present on delivery packaging, on all electronic communications, and on the ordering page.

## **9-5. Collection and Reporting of Aggregate Data**

- (A) The REGULATORY AUTHORITY shall collect and report aggregate data on HOME COOKING OPERATIONS. Specifically, the REGULATORY AUTHORITY shall collect and report the following publicly on an annual basis:
  - (1) The number of permit applications received and permits issued during the calendar year.
  - (2) The number and types of violations found in the calendar year.
  - (3) The number and types of enforcement actions taken, including, warnings, fines, permit revocations, and other enforcement actions taken during the calendar year.
  - (4) Information on outcomes of enforcement actions, including settlements, the amounts of fines imposed, and any referrals for further legal action.
- (B) Data collected under subsection (A) shall be reported to the STATE AGENCY and made available, broken down by jurisdiction, to the public on the STATE AGENCY's website written in high school English and other languages, as appropriate for the area.

- (c) The REGULATORY AUTHORITY shall maintain a publicly available electronic list of all registered ONLINE FOOD MARKETPLACES and the business name, permit numbers, and city location of all open and permitted HOME COOKING OPERATIONS.

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[The COOK Alliance](#) is a nonprofit whose mission is to establish just & people-powered food systems. We believe that legalizing home restaurants in the United States creates more economic access for cooks, healthy food options for customers, and cultural exchange for communities.

As the primary sponsor behind the first home restaurants bills in the US, we are now working to ensure equitable, accessible implementation in early adopting states and to extend the same opportunity to more home cooks across the nation. We are also increasingly active in supporting new Cottage Food policies and other local food movement initiatives.

We can be reached for technical assistance, partnership, or philanthropic inquiries at [hello@cookalliance.org](mailto:hello@cookalliance.org)

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We hope to release new versions of these model documents periodically as the legislative landscape evolves and we continue to learn from early states' experiences with implementation. Additional input is welcome and can be shared with us at any time by emailing [advocacy@cookalliance.org](mailto:advocacy@cookalliance.org) with "Model Legislation Feedback" in the subject line.