



# County of San Diego

## DEPARTMENT OF ENVIRONMENTAL HEALTH & QUALITY

### FOOD AND HOUSING DIVISION

5500 Overland Ave. San Diego, CA 92123 | (858) 505-6900



## COMPACT MOBILE FOOD OPERATION (CMFO)

### FREQUENTLY ASKED QUESTIONS

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

#### **What is a compact mobile food operation (CMFO)?**

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

#### **Do I need a Health Permit to operate a CMFO?**

Yes, a permit is required, unless your compact mobile food operation has 25 square feet or less of display area and sells only prepackaged, nonpotentially hazardous (non-perishable) foods or whole uncooked produce, then the operation is exempt from permitting requirements.

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

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

#### **What is “prepackaged food”?**

Prepackaged food is food that has been processed by a manufacturer, a food facility, or other approved source, and is properly labeled and sealed to prevent any direct human contact with the food prior to sale.

#### **What is non-potentially hazardous food?**

Non-potentially hazardous food does not require refrigeration or hot holding to prevent bacterial growth and is unlikely to cause food borne illness. Some examples include cut mango, cut cucumbers, cut jicama, pretzels, and churros.

#### **What kind of food can I prepare from a CMFO?**

A CMFO can conduct limited food preparation when the equipment to support the proposed menu is approved by the Department of Environmental Health and Quality (DEHQ).

#### **What is limited food preparation?**

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

1. Dispensing and portioning of nonpotentially hazardous food (nonPHF) or dispensing and portioning for immediate service to a customer of food that has been held at the required temperatures.
2. Slicing and chopping of nonPHF food or produce that has been washed at an approved facility.

3. Hot and cold holding of food that has been prepared at an approved permanent food facility.
4. Reheating of food that has been prepared at an approved permanent food facility.
5. Heating, frying, baking, roasting, popping, shaving of ice, blending steaming or boiling of hot dogs, or assembly of non-prepackaged food.
6. Slicing and chopping of food on a heated cooking surface during the cooking process.
7. Juicing or preparing beverages that are for immediate service, in response to an individual consumer order, that do not contain frozen milk products.

**Can I sell tamales that were prepared in an approved commissary on the CMFO?**

If you have a CMFO with a hand sink, you may be approved to sell tamales in the husk from the permitted cart. If the CMFO does not have hand sink, the tamales must be prepackaged prior to sale on the CMFO.

**Can I prepare food at home to be sold from my compact mobile food facility?**

Yes, only if you have an approved Cottage Food Operation (CFO) Permit/Registration or Microenterprise Home Kitchen Operation (MEHKO) Permit, issued by DEHQ. Food preparation is limited to the food items that have been approved as part of the CFO/MEHKO permitting process.

**Do I need a commissary to operate a CMFO?**

Yes, all mobile food facilities are required to operate in conjunction with a permitted commissary as part of their operation.

**What is a commissary?**

A commissary is a food facility that has been approved by DEHQ to support the proposed operation of a CMFO where any of the following occur:

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

**Can I use my home as a commissary?**

Yes, as long as you have a CFO Permit/Registration or a MEHKO permit. If you do not have a CFO or MEHKO permit a separate commissary will be required to prepare your food and to store your food and utensils when the CMFO is not in use. Your private home may only be used for the storage of the cart unless part of a permitted CFO/MEHKO.

**Can I use my home to store my CMFO?**

If you are not permitted as a CFO or MEHKO, you may be allowed to store up to two CMFOs at your home with prior approval from DEHQ.

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

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

**Do I need an annual health permit to store carts in my house?**

If the home has been evaluated and approved by DEHQ for the storage of a CMFO, then no additional annual permit will be required.

**What does the evaluation include?**

A site visit will be conducted to determine that the storage in the private home will not pose a public health hazard and there is sufficient room to store carts in a manner that protects the CMFO from contamination. A fee will be charged for each home evaluation conducted.

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

Yes, if the CMFO is stopped in one location for longer than an hour, access to restrooms must be provided. Restrooms must be located within 200 feet of the CMFO unless at least two employees are present on site.

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

Only permanently plumbed restrooms may be used to meet the restroom requirement. Operators may not rent portable restrooms as part of their CMFO.

**Do I need a handwash sink?**

Yes, a hand sink is required when handling open food on the CMFO.

**Do I need hot water?**

Hot water is only required if you are handling raw meats, raw poultry, or raw fish. If you intend to have any of these raw food items on the CMFO, additional sinks and hot water requirements apply.

**Can I use home or domestic appliances on my compact mobile food operation?**

All CMFOs must use commercial equipment that has been certified and approved by DEHQ. Electrical appliances must meet applicable Underwriters Laboratories standards for electrical equipment as determined by an ANSI accredited certification program.

**Do I need an integral three-compartment sink for dish and utensil washing?**

Yes, if your menu includes preparation of raw meat, raw poultry, or raw fish. If not, an adequate amount of clean and sanitized utensils must be kept on the CMFO for replacing when soiled or if handling potentially hazardous foods, every 4 hours.

**Do I need mechanical refrigeration?**

Yes, mechanical refrigeration is required if you are working with potentially hazardous foods, such as cut melons, dairy products, or meat products.

**Do I need overhead protection?**

Yes, overhead protection is required for all CMFOs. This can include sneezeguards, canopies, food compartments, etc.

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

Unless it is uncooked whole fruit and whole vegetables, or prepackaged non-potentially hazardous foods, all potentially hazardous foods must be discarded at the end of the day.

**What kind of signage must be on the compact mobile food operation?**

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

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

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

**What type of food training do I need?**

Compact mobile food operation staff must hold a food handler card if managing open food. A food handler card must be obtained within 10 days of start of operation or hire.

**Am I required to have a Food Safety Certificate?**

A Food Safety Certificate is not required for a CMFO operation but is encouraged.

**Do I need any other permits?**

You may need a local business license or peddlers permit to sell food. Check with your local city or county jurisdiction that you plan to sell food in for local permitting requirements.

**For additional information, please visit  
the Department of Environmental Health and Quality's webpage at: <http://www.sdcdehq.org>**

**If you have any questions that have not been answered in these FAQ's,  
or if additional clarification is needed, please contact the DEHQ-FHD Information Specialist at  
(858) 505-6900 or by email at [FHDUTYEH@sdcounty.ca.gov](mailto:FHDUTYEH@sdcounty.ca.gov).**