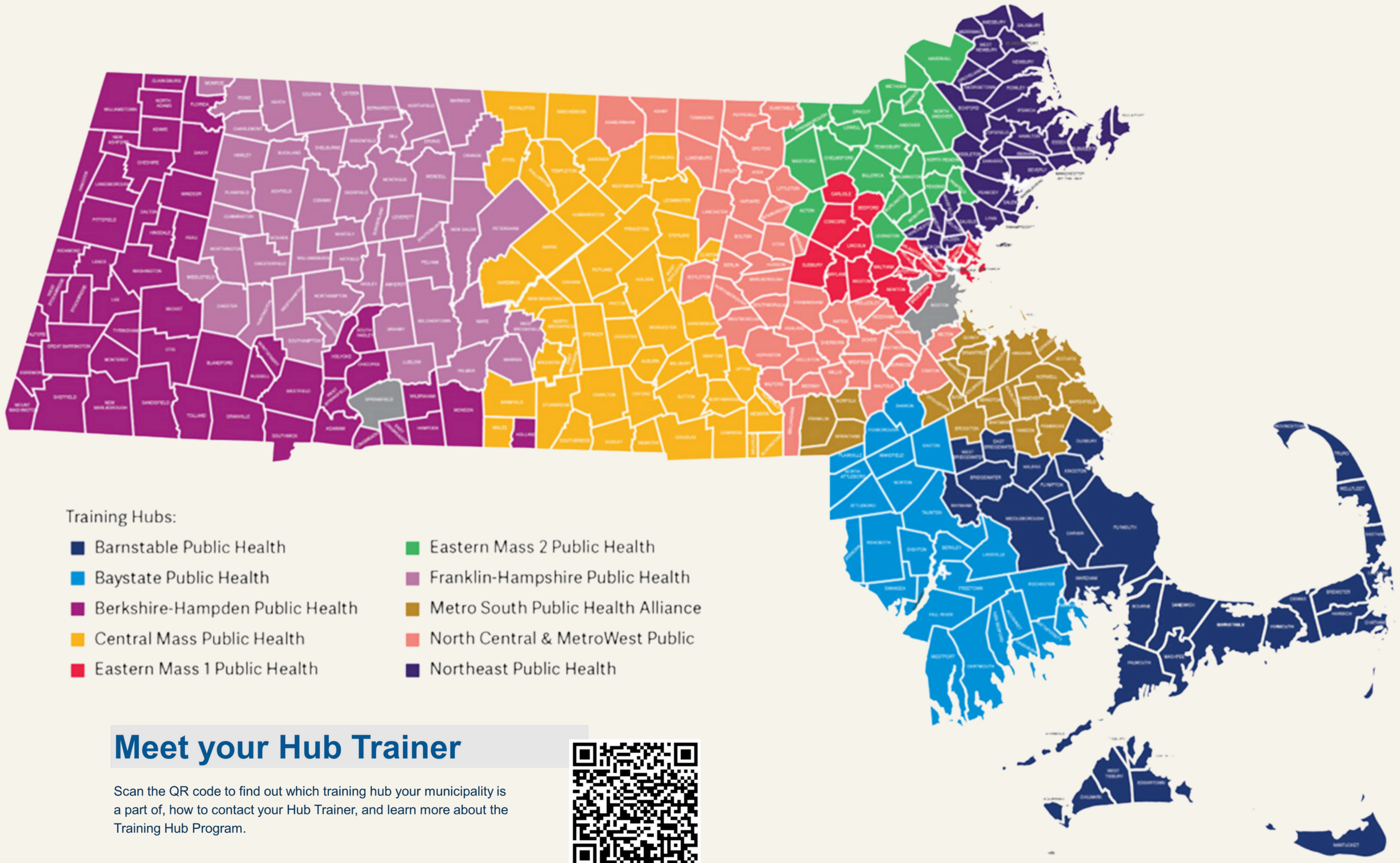


# FOOD TRUCKS & THE FOOD CODE



**Franklin-Hampshire Training Hub**  
Franklin Regional Council of Governments





### Training Hubs:

- |                                   |                                      |
|-----------------------------------|--------------------------------------|
| ■ Barnstable Public Health        | ■ Eastern Mass 2 Public Health       |
| ■ Baystate Public Health          | ■ Franklin-Hampshire Public Health   |
| ■ Berkshire-Hampden Public Health | ■ Metro South Public Health Alliance |
| ■ Central Mass Public Health      | ■ North Central & MetroWest Public   |
| ■ Eastern Mass 1 Public Health    | ■ Northeast Public Health            |

## Meet your Hub Trainer

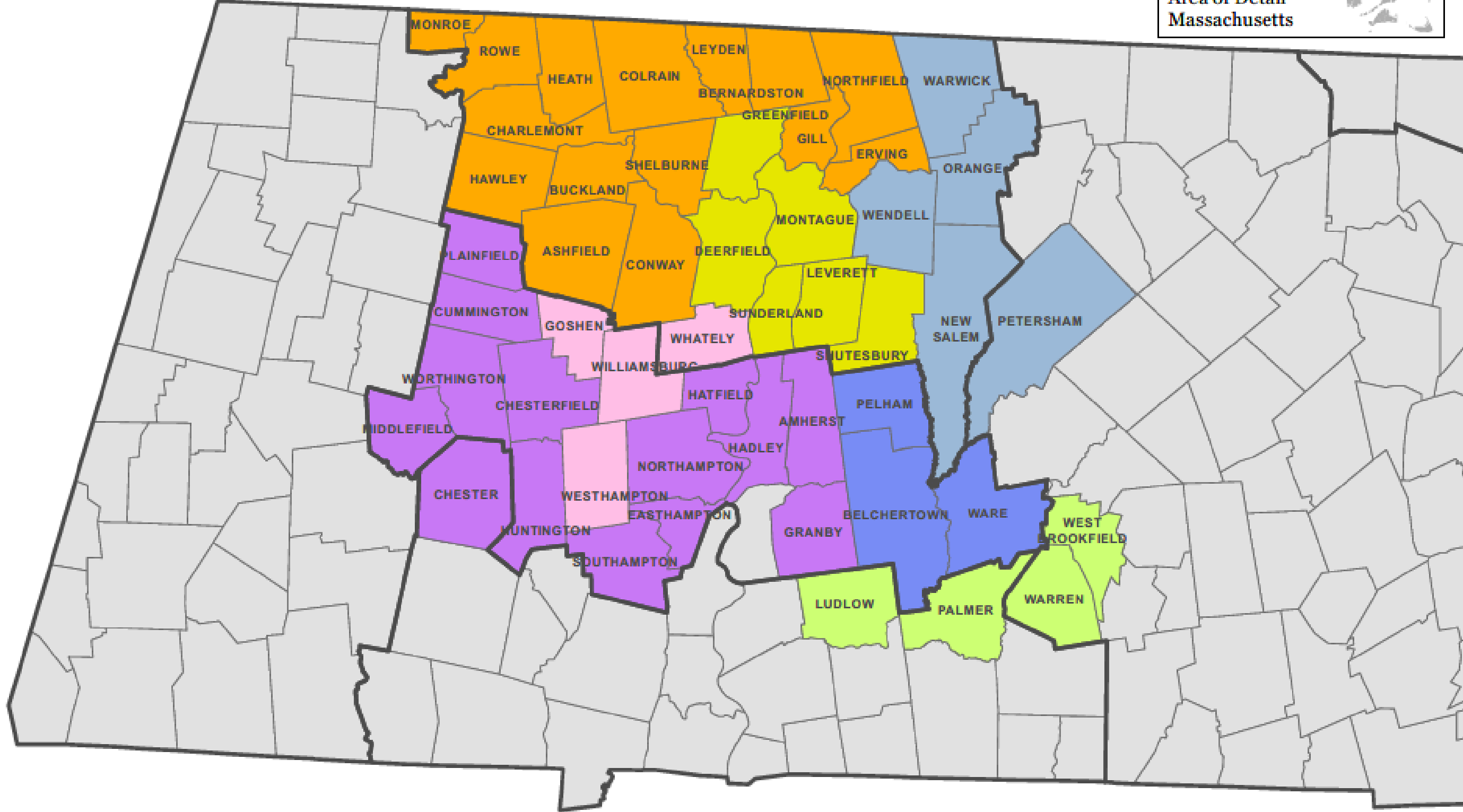
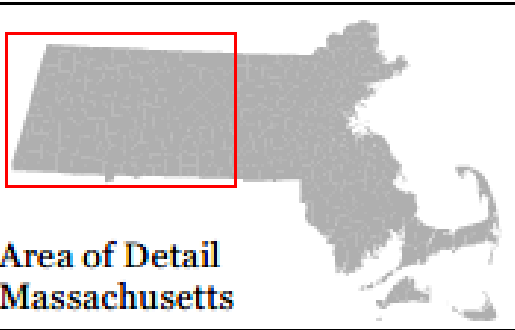
Scan the QR code to find out which training hub your municipality is a part of, how to contact your Hub Trainer, and learn more about the Training Hub Program.





# Franklin-Hampshire Training Hub

## Public Health Excellence (PHE) Communities



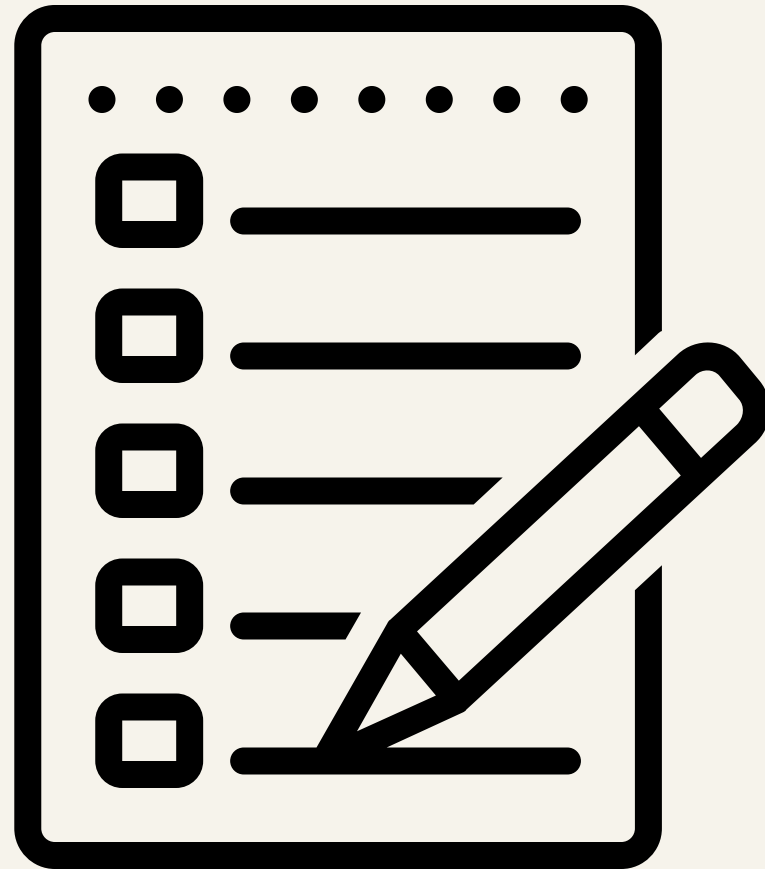
- |   |   |                             |
|---|---|-----------------------------|
| Hampshire Public Health Shared Services Collaborative | Cooperative Public Health Service         | Valley Health Collaborative |
| Foothills Health District                             | North Quabbin Public Health Collaborative | Quabbin Health District     |
| County Boundary                                       | Town Boundary                             |                             |

Sources: Map produced by the Franklin Regional Council of Governments Planning Department. GIS data sources include MassDOT, MassGIS and FRCOG. Depicted boundaries are approximate and are intended for planning purposes only, not to be used for survey.





# AGENDA



- Definitions & The Merged FC
- Retail Permitting
- Temporary Food
- Food Trucks
  - Servicing Areas
  - Food Truck Application Process
  - Food Truck Requirements
- Frozen Dessert Manufacturing
- Ice Cream Trucks
- Hawkers and Peddlers
- Non-Profits
  - Permit Requirements/Exemptions
  - Bake Sales/Potlucks
- Miscellaneous
- Resources



# **DEFINITIONS & THE MERGED FOOD CODE**



# FOOD CODE

We are currently enforcing [105 CMR 590](#) which adopts and incorporates the [2013 FDA Food Code](#) and its supplement

FDA Food Code

+

105 CMR 590

=

 [Merged Food Code](#)

## Chapter 1 - Purpose and Definitions

105 CMR 590.001

### 1-1 Title, Intent, Scope

#### 1-101 Title

##### 1-101.10 Food Code

These provisions shall be known as the Food Code, hereinafter referred to as "this Code."

#### 1-102 Intent

##### 1-102.10 Food Safety, Illness Prevention, and Honest Presentation.

The purpose of this Code is to safeguard public health and provide to CONSUMERS FOOD that is safe, unADULTERATED, and honestly presented.

#### 1-103 Scope

##### 1-103.10 Statement.

This Code establishes definitions; sets standards for management and personnel, FOOD operations, and EQUIPMENT and facilities; and provides for FOOD ESTABLISHMENT plan review, PERMIT issuance, inspection, EMPLOYEE RESTRICTION, and PERMIT suspension.

##### FC 1-1 Purpose. [590.001(B)]

The purpose of 105 CMR 590.000 is stated within FC 1-101.10 2013 Food Code, FC 1-102.10 Food Safety, Illness Prevention, and Honest Presentation and FC 1-103.10 Statement.

### 1-2 Definitions

#### 1-201 Applicability and Terms Defined

##### 1-201.10 Statement of Application and Listing of Terms.

(A) The following definitions shall apply in the interpretation and application of this Code.

(B) Terms Defined. As used in this Code, each of the terms listed in ¶ 1-201.10(B) shall have the meaning stated below.

##### Definitions. [590.001(C)]

For the purposes of 105 CMR 590.000, the following terms shall have the meanings hereinafter specified. These definitions shall be in addition to or a substitution for the same definition in 2013 Food Code section FC 1-201.10 entitled Definitions. Citations to the 2013 Food Code shall be referenced FC followed by the section number (e.g. FC 1-201.10).

##### Accredited Program.

(1) "Accredited program" means a food protection manager certification program that has been evaluated and listed by an accrediting agency as conforming to national standards for organizations that certify individuals.  
(2) "Accredited program" refers to the certification process and is a designation based up-

on an independent evaluation of factors such as the sponsor's mission; organizational structure; staff resources; revenue sources; policies; public information regarding program scope, eligibility requirements, re-certification, discipline and grievance procedures; and test development and administration.

(3) "Accredited program" does not refer to training functions or educational programs.

(4) Accredited Program also means food protection manager certification programs that are recognized by the Department

##### Additive.

(1) "Food additive" has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 201(s) and 21 CFR 170.3(e)(1).

(2) "Color additive" has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 201(t) and 21 CFR 70.3(f).

Adulterated means the definition in M.G.L. c. 94, § 186 as it pertains to food.

"Approved" means acceptable to the REGULATORY AUTHORITY based on a determination of conformity with principles, prac-



# MERGED FOOD CODE

Farmers Market means a public market or public market place located in a city or town that operates or occurs more than once per year for the primary purpose for Massachusetts farmers, from more than one farm, to vend food, crops and other farm related items that they have produced directly to the public, or a public market or public market place used by farmers that is established by a municipality under G.L. c.40 §10, or operates on Department of Conservation and Recreation land by special permit under G.L. c.132A §2F.

FC-regulatory authority means the definition set forth in FC 1-201.10, which is the board of health.

**"FDA"** means the U.S. Food and Drug Administration

## **Fish.**

(1) **"Fish"** means fresh or saltwater finfish, crustaceans and other forms of aquatic life (including alligator, frog, aquatic turtle, jellyfish,

(a) into a FOOD, or  
(b) Onto a surface normally in contact with FOOD.

Food Employee means an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces with the exception of farm workers handling uncut fruits and vegetables, unprocessed honey, pure maple products, or farm fresh eggs which are stored and maintained at 45°F (7.2°C) or less. This could include the owner, individual having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or any other person working in a food establishment. In health care facilities, this includes those who set up trays for patients to eat, feed or assist patients in eating, give oral medications or give mouth/denture care. In day care operations, schools and long term care facilities, which are permitted food establishments, this includes those who prepare food for clients to eat, feed or assist clients in eating or give oral medications.

**Red text** is taken right from 105 CMR 590

**Black text** is the FDA code

# MERGED FOOD CODE

## **3-302.15 Washing Fruits and Vegetables.**

(A) Except as specified in ¶ (B) of this section and except for whole, raw fruits and vegetables that are intended for washing by the CONSUMER before consumption, 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.

(B) Fruits and vegetables may be washed by using chemicals as specified under § 7-204.12.

A line to the left of a section indicates an update from the most recent code revision  
(A difference from  
1999-->2013)



# MERGED FOOD CODE

## (A) Anti-Choking Procedures in Food Service Establishments.

(1) Pursuant to M.G.L. c. 94, § 305D, restaurants with a certain seating capacity are required to have one or more employees trained in a manual choke-saving procedure in accordance with 105 CMR 605.000 *Approved Choke-Saving Procedures*.

(2) Each food service establishment with a seating capacity that conforms with M.G.L. c. 94, § 305D shall:

A line to the left of a section indicates an update from the most recent code revision  
(A difference from 2001-2018)

# DEFINITIONS

Definitions are CAPITALIZED throughout the code

(H) If a FOOD EMPLOYEE is ill with symptoms of acute onset of sore throat with fever:

(1) EXCLUDE the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT serving a HIGHLY SUSCEPTIBLE POPULATION; <sup>P</sup>

or

(2) RESTRICT the FOOD EMPLOYEE who works in a FOOD ESTABLISHMENT not serving a HIGHLY SUSCEPTIBLE POPULATION. <sup>P</sup>

What's the difference between exclude and restrict?

# DEFINITIONS

**"Exclude"** means to prevent a PERSON from working as an EMPLOYEE in a FOOD ESTABLISHMENT or entering a FOOD ESTABLISHMENT as an EMPLOYEE.

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



# DEFINITIONS

**Food**- 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, or chewing gum



# DEFINITIONS

**Time/Temperature Control for Safety Food (TCS)**: A food that requires time/temperature control for safety to limit pathogenic microorganism growth or toxin formation

aka...requires refrigeration



# DEFINITIONS

**Non-Time/Temperature Control for Safety Food (Non-TCS)**: ‘A food that does not support the growth or toxin formation of pathogenic microorganisms...’

aka...shelf stable



Reminder - Cottage food operations are limited to non-tcs foods!



# DEFINITIONS

What if it's not obvious?

Table A. Interaction of PH and AW for control of spores in FOOD heat-treated to destroy vegetative cells and subsequently PACKAGED AW values			
	pH: 4.6 or less	pH: > 4.6 -5.6	pH: > 5.6
<0.92	non-TCS FOOD*	non-TCS FOOD	non-TCS FOOD
> 0.92 -0.95	non-TCS FOOD	non-TCS FOOD	PA**
> 0.95	non-TCS FOOD	PA	PA
* TCS FOOD means TIME/TEMPERATURE CONTROL FOR SAFETY FOOD			
** PA means Product Assessment required			

Table B. Interaction of PH and AW W for control of vegetative cells and spores in FOOD not heat-treated or heat-treated but not PACKAGED AW values				
	pH: < 4.2	pH: 4.2 -4.6	pH: > 4.6 -5.0	pH: > 5.0
< 0.88	non-TCS food*	Non-TCS food	non-TCS food	non-TCS food
0.88 – 0.90	non-TCS food	non-TCS food	non-TCS food	PA**
> 0.90 – 0.92	non-TCS food	non-TCS food	PA	PA
> 0.92	non-TCS food	PA	PA	PA
* TCS FOOD means TIME/TEMPERATURE CONTROL FOR SAFETY FOOD				
** PA means Product Assessment required				

Aw = water activity

# DEFINITIONS

**Food Establishment:** ‘stores, prepares, packages, serves, vends food **directly to the consumer**, or otherwise provides food for human consumption such as a restaurant...’

- **A food establishment includes:** an operation that is conducted in a **mobile**, stationary, **temporary**, or permanent facility or location; where consumption is on or off the premises; and **regardless of whether there is a charge for the food**

*“...but we’re giving the food away for free...”*



# DEFINITIONS

A food establishment does **not** include:

- Only ***commercially*** pre-packaged, non-TCS foods



## What's considered commercial?

- Food processing/manufacturing facilities
- Licensed by DPH
- NOT a retail commercial kitchen

- Selling commercially processed pre-packaged non-TCS foods such as candy bars, potato chips, bottled water, and/or bottled or canned soda products.

# **RETAIL FOOD PERMITTING**

# RETAIL VS. WHOLESALE

- **Retail:** Direct-to-consumer
  - Farmers' Markets
  - Temporary food events (craft fairs, fairs/festivals)
  - Online sales
    - *Requires local BOH/Health Department permit*
- **Wholesale:** Selling product for resale
  - Selling your product to a grocery store for resale
  - Selling your product to a restaurant for resale
    - *Requires [permit from the MA Department of Public Health](#)*



Hot Cocoa Bomb 9 pack  
\$55.00

### 8-304.25 Permit Form. [590.008(F)]

In addition to the requirements set forth in FC 8-3 Permit to Operate:

(A) There shall be one permit form issued to each food establishment. The permit shall indicate:

(1) Whether the permit is annual, semi-annual, seasonal or temporary; and

(2) Each of the following operations permitted:

(a) Food Service (i.e. handling of unpackaged or exposed food intended for individual service such as sit-down and take-out operations in restaurants, sandwich operations in retail markets and convenience stores, coffee and pastry shops, institutional kitchens);

(b) Retail Food (i.e. handling of pre-packaged foods or the handling of unpackaged or exposed food not intended for individual service such as retail grocery and convenience stores which sell pre-packaged foods, seafood and meat markets, bakeries and bulk deli operations);

(c) Residential kitchen for retail sale; cottage foods;

- List all the different types on the permit
- Can charge separately

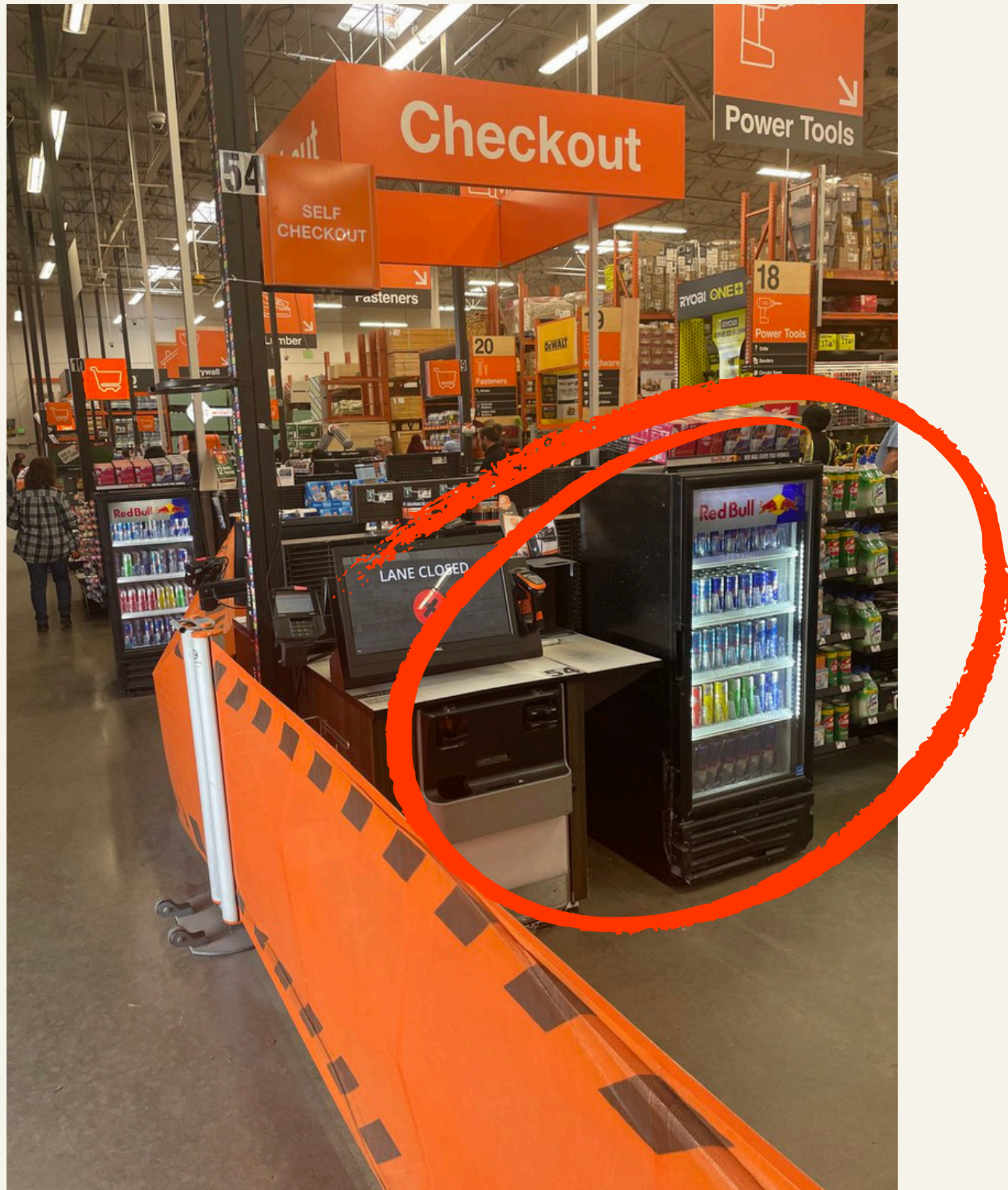
### Food Establishment Permit



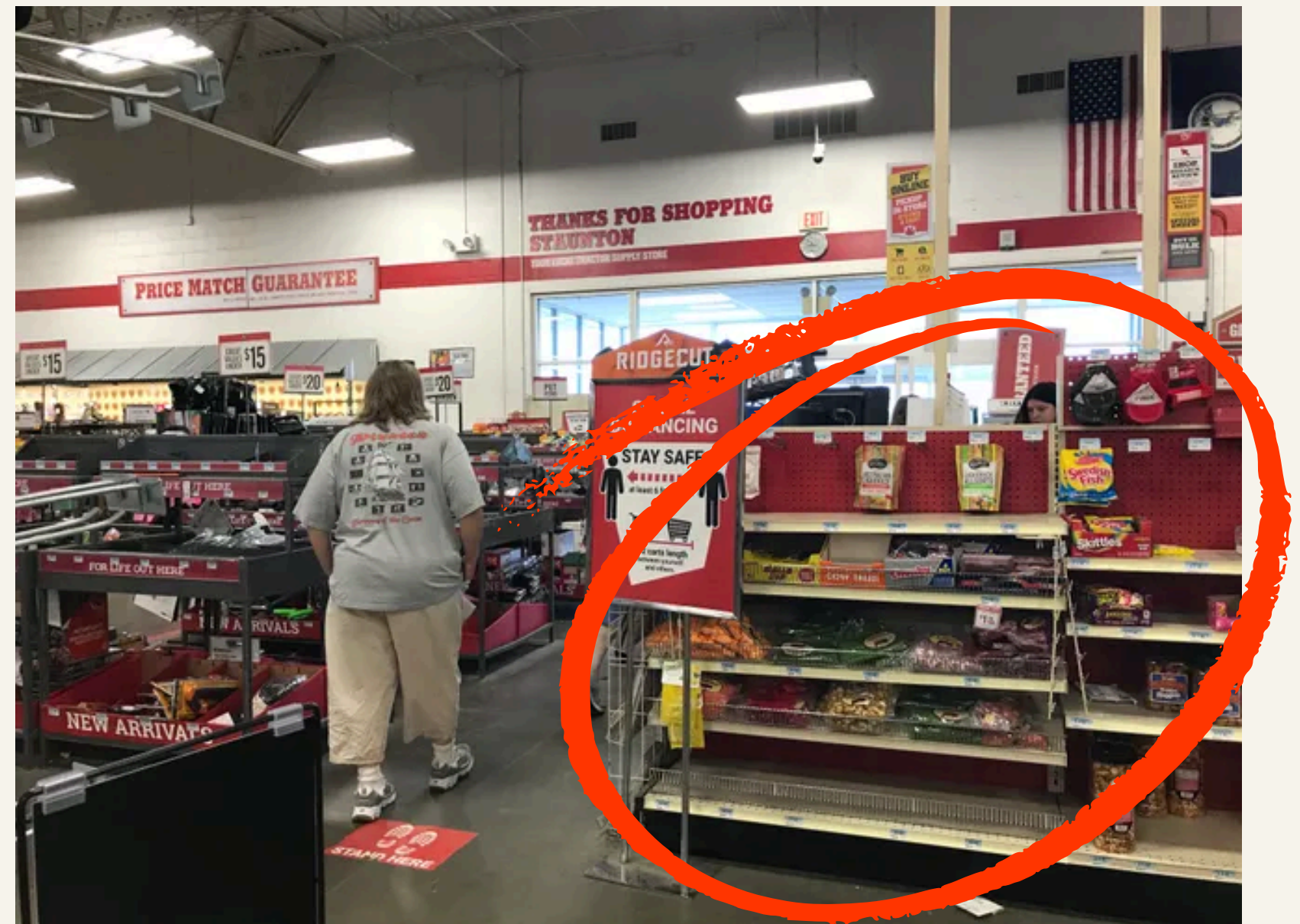
- Food Service - \$250
- Retail Food - \$50
- Caterer - \$100
- Leased Commercial Kitchen - \$50



# PERMIT NEEDED?



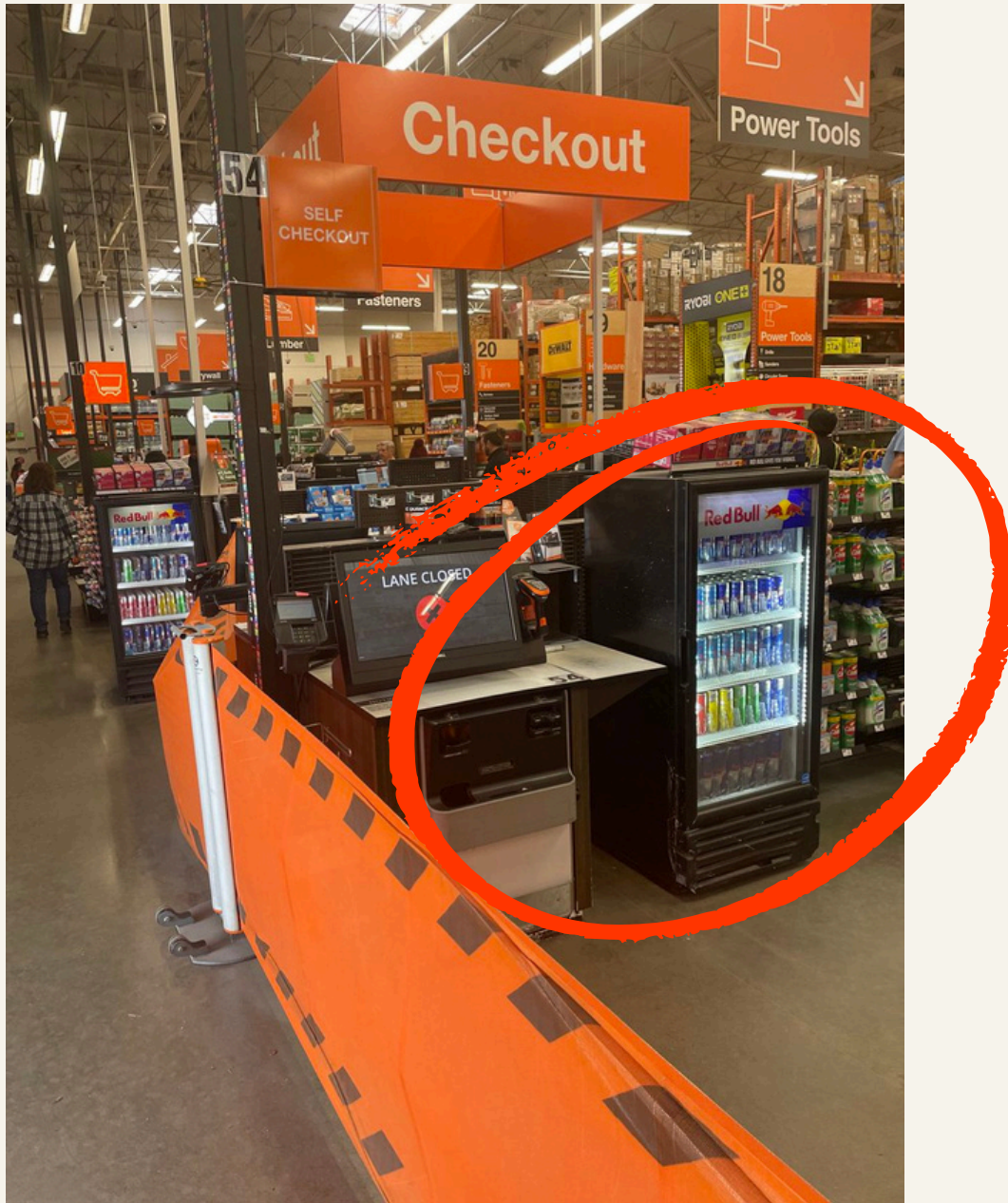
Home Depot



Tractor Supply



# PERMIT NEEDED?



No

They are only selling *commercially* pre-packaged,  
non-TCS foods



# PERMIT NEEDED?

What if a vendor applies for a temporary food permit and the products are made in a local permitted residential kitchen permit.



**Four Onion Party Dip & Dressing Mix**  
From \$5.00



**Four Onion Party Salt-Free Dip & Dressing Mix**  
From \$5.00



**French Fry Fairy Dust**  
From \$7.00

**Saltbox Seasonings**

Delicious artisanal blends  
Handcrafted in small batches  
Honest ingredients  
Personal service



# PERMIT NEEDED?



Yes

A retail food permit would be required because:

- The product is **NOT** commercially processed



# PERMIT NEEDED?



Does this farm stand require a food establishment permit?



# PERMIT NEEDED?

Yes

A retail food establishment permit would be required because:

- They are offering pre-packaged **TCS** foods
- Are the pre-packaged non-TCS foods commercially processed?



Reminder: only **commercially processed NON-TCS foods** do not require permitting



# PERMIT NEEDED?



# PERMIT NEEDED?



**Yes**

A retail food permit is required  
because they are selling pre-packaged  
TCS foods



# PERMIT NEEDED?



Herbal Tinctures

# PERMIT NEEDED?

**NO**

This does not fall under the LBOH.  
This product is considered a dietary  
supplement which is regulated by the  
FDA



# TEMPORARY FOOD



## Temporary Food Establishment:

means a food establishment that operates for a period of no more than **14 consecutive days** in conjunction with a **single event or celebration**.





# TFE DEFINITION

*Let's break the definition down...*

1. Is a food establishment
2. 'Operates for a period no longer than 14 consecutive days'
3. 'In conjunction with a single event or celebration'

*NO SEASONAL TFE PERMITS*

# BUT WHAT ABOUT MOBILE FOOD TRUCKS? FARMERS' MARKETS?

## FARMERS' MARKETS

The DPH Food Protection Program specifically states Farmers' Markets **can be issued seasonal permits** in their [Temporary Food Event & Farmers' Markets Q&A document](#)



## FOOD TRUCKS

105 CMR 590 states: 'a permit for a mobile food operation may be issued **for a period of time which shall be determined by the board of health...**'





# FOOD TRUCKS VS TEMPORARY FOOD



Mobile



Temporary



***‘I’D LIKE TO APPLY FOR AN ANNUAL MOBILE FOOD PERMIT PLEASE...’***



Beware of vendors trying to get an annual permit out of you and disguising themselves as a food truck...



# TEMPORARY OR MOBILE?





# ***“MY CATERING PERMIT COVERS THIS, RIGHT?”***



**No, a caterer is defined as:**

‘...prepares food intended for individual portion service, **transports and serves it at another location**

*OR*

‘...prepares and serves food **at a food establishment**, other than one for which he holds a permit, for service at a single meal, party or similar gathering’



# WHAT ABOUT ALCOHOL?



Ice, soda, mixers, lemons/limes,  
handwash sinks, etc. - **YES**



Alcohol only - **NO**



# SCENARIO 1

Wake the Dead Donuts has the following weekend lineup in **Springfield:**

**Friday** - MHOA Conference at MGM from 4-8 PM

**Saturday & Sunday** - Taste of Springfield at MGM from 12-4 PM

How many temporary food permits are required?

# POLL 1 - HOW MANY TEMPORARY FOOD PERMITS ARE REQUIRED

# SCENARIO 1

## 2 separate temporary food permits

---

1. Is a food establishment
2. 'Operates for a period no longer than 14 consecutive days'
3. 'In conjunction with a single event or celebration'

**Event 1** - Friday @ MHOA  
Conference at MGM from 4-8 PM

**Event 2** - Saturday & Sunday @  
Taste of Springfield at MGM from  
12-4 PM



# SCENARIO 2



Thai Chili is a temporary food vendor and has a great relationship with a local winery. They want to set up every single weekend (Fri-Sun) throughout the summer, regardless if there is an event or not. They cook on a grill, store everything in coolers, and have a tent.

How should you permit them?



**POLL 2 - HOW SHOULD THAI CHILI BEING PERMITTED AT THE WINERY?**



# SCENARIO 2

**Issue them a permit for Friday-Sunday at the winery**

---

1. Is a food establishment
2. 'Operates for a period no longer than 14 consecutive days'
3. 'In conjunction with a single event or celebration'

Seasonal temporary food permits are not allowed per code.



# SCENARIO 3

Deano's Concessions is setting up at the Big E - a 14 day fair in West Springfield.

How many permits do they need?





# SCENARIO 3

One permit

---

1. Is a food establishment
2. 'Operates for a period no longer than 14 consecutive days'
3. 'In conjunction with a single event or celebration'

The Big E lasts for 14 days and is considered **one event**.

# TEMPORARY FOOD EXEMPTIONS

- Whole, uncut fresh fruits and vegetables, unprocessed honey, pure maple products, or farm fresh eggs (at 45°F)
- Transporting food as a delivery service such as home delivery of grocery orders or restaurant takeout orders
- Selling commercially processed pre-packaged non-TCS foods such as candy bars, potato chips, bottled water, and/or bottled or canned soda products.





# TEMPORARY FOOD EXEMPTIONS



# PERMIT REQUIREMENTS

- If a vendor is selling or **preparing** a product, that is made **off site** at a permitted kitchen, make sure you request a copy of **their** permit!
  - Under their business name or dba
  - I.e., If they are a cottage food operation, request a copy of their permit





# PERMIT REQUIREMENTS

- Full Moon Ghee produces their product in a shared kitchen in Greenfield called the Western MA Food Processing Center
- If Full Moon Ghee requests a temporary food permit in your community, you will want to ask for:
  - **Full Moon Ghee's** permit
- You can also ask for Western MA Food Processing Center's permit, but Full Moon Ghee's permit should have WMFPC's information listed on the permit



# LEASED KITCHENS

- Leased Commercial Kitchens are food preparation facilities that provide space and access to professional equipment on a lease or rental basis.
- The lessor of a Leased Commercial Kitchen shall not rent or share the kitchen unless it has been approved to do so and has obtained a valid permit from the board of health.
  - **i.e. Western MA Food Processing Center from the last slide**
- Each lessee of a Leased Commercial Kitchen must obtain a retail food permit from the board of health.
  - **i.e. Full Moon Ghee from the last slide**



# LEASED KITCHENS

- Union St. Bistro is a local food establishment. The owner lets her friend, Greg from Gregory's Pastries, rent the kitchen in order to make wedding cakes and specialty desserts (TCS foods).
- 

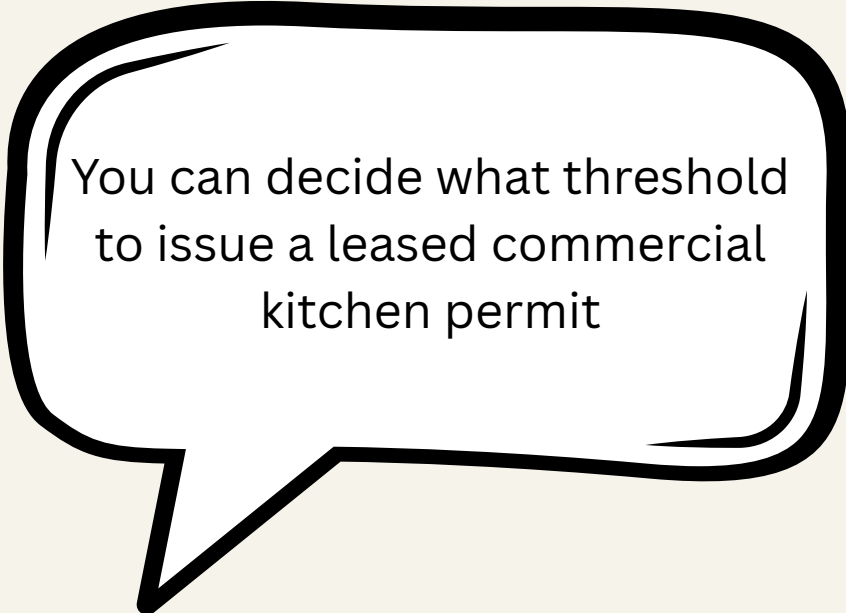
## Permit Requirements

### **Union St. Bistro**

- Food Service Establishment Permit
- Leased Commercial Kitchen Permit

### **Gregory's Pastries**

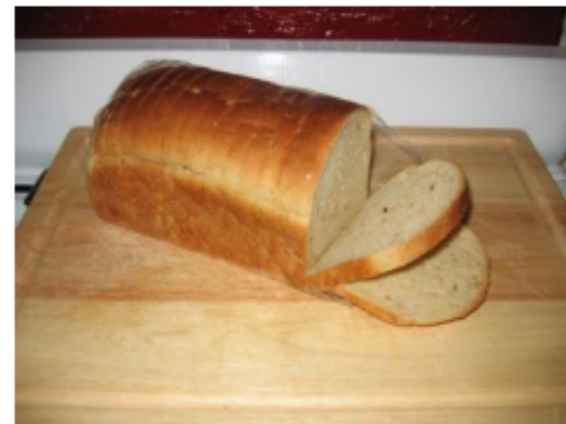
- Food Service Permit (with Union St. Bistro's address listed)



You can decide what threshold to issue a leased commercial kitchen permit

# LABELING

**If they sell pre-packaged foods, request a copy of their label during the application process**



## **WHEAT BREAD**

Ingredients: Flour (bleached wheat flour, malt barley, flour, niacin, iron, potassium thiamine, thiamine mononitrate, riboflavin, folic acid), Sugar, Eggs, Water, Milk, Margarine (liquid soybean oil, partially hydrogenated soybean oil, water, salt, whey, soybean lecithin, vegetable mono & diglycerides, sodium benzoate as a preservative, potassium caseinate [a milk protein], artificially colored, FD&C Red #3, artificially flavored, vitamin A, dalmite added), Yeast, Salt

Contains: Wheat, Eggs, Milk, Soy

Sell by: 9/22/15  
Net Weight: 1 pound (16 oz.)

The Bakery  
412 Main Street  
Anytown, MA 01234

- [Labeling requirements](#)
  - The name and address\* of the residential kitchen
  - The name of the food product
  - The ingredients of the food product, in descending order of predominance by weight;
  - The net weight or net volume of the food product
  - Allergen information as specified by federal labeling requirements
  - Nutritional labeling as specified by federal labeling requirements is required if any nutrient content claim, health claim, or other nutritional information is provided.



# PRE-PACKAGED?



No label required



Label required



# TEMPORARY FOOD RESOURCES

## Sample Temporary Food Inspection Checklist

### Temporary Food Inspection Report

Event: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Establishment Name: \_\_\_\_\_ Establishment Address: \_\_\_\_\_  
Owner Name: \_\_\_\_\_ Owner Address: \_\_\_\_\_  
Inspector: \_\_\_\_\_ Inspector signature: \_\_\_\_\_  
PIC: \_\_\_\_\_ PIC signature: \_\_\_\_\_

IN √	OUT X	N/A √	Requirements	Notes/Details
			<b>Sinks/Warewashing/Sanitizing</b>	
			Handwash sinks/stations provided and conveniently located.	
			<a href="#">“Employees must wash hands” sign</a> provided at all handwash areas.	
			Soap, paper towels, catch basin, and trash barrel provided at all handwash areas.	
			Proper wash, rinse, sanitize facilities available; if applicable	
			Sanitizer (chlorine-bleach, quaternary ammonium compounds, or iodine) available for sanitizing food contact surfaces and utensils.	
			Cloths stored in sanitizer solution, away from food; buckets/bottles clearly labeled.	
			Proper test kit available to test proper PPM of sanitizer solution.	
			Location where wastewater will be emptied (must be into approved wastewater system): _____	



# TEMPORARY FOOD RESOURCES

## Temporary Food and Farmers' Markets Q&A - MA DPH FPP

MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH | BUREAU OF ENVIRONMENTAL HEALTH

Food Protection Program:

### *Food Establishments at Events and Farmers Markets Questions and Answers*

*The MA Department of Public Health's Food Protection Program works in conjunction with Local Boards of Health to ensure a safe and wholesome food supply in Massachusetts by promulgating and enforcing regulations related to food safety, conducting foodborne illness complaint investigations, and responding to other food emergency incidents.*

*Food vendors at events like farmers markets, carnivals, fairs and fundraisers may be required to get a local Temporary Food Establishment permit from the board of health where the event is held, and comply with certain requirements in 105 CMR 590 (the Retail Food Code).*

*The following is provided to assist individuals in complying with state regulations related to the production and sale of food made by vendors requiring a Temporary Food Establishment permit.*

#### **Do food vendors at Events and Farmers Markets need a permit?**

Yes, a food vendor that operates in a temporary location, including at farmers markets, fairs, carnivals, celebrations, fundraisers, or restaurant food shows, must have a permit to conduct certain activities. The Local Board of Health (LBOH) will require the operation to have a Temporary Food Establishment (TFE) permit and comply with certain sections of the Retail Food Code (105 CMR 590).

# FOOD TRUCKS



# FOOD TRUCKS

Food trucks have become increasingly popular among Americans in the last decade. According to data from the U.S. Census Bureau, the number of food trucks operating in the U.S. nearly doubled from 2013 to 2018

In 2015, Easthampton permitted 5 food trucks  
In 2022, Easthampton permitted 21 food trucks  
**320% increase**

In 2015, CPHS permitted 6 food trucks  
In 2022, CPHS permitted 13 food trucks  
**116% increase**



# FOOD TRUCKS

- **A Mobile Food Establishment (MFE)** is a food service operation permitted under the Retail Food Code that is operated from a movable motor driven or propelled vehicle, portable structure, or watercraft that is able to change location.
  - The Food Code doesn't actually define a MFE in the definitions section of the code
  - The definition above was found on the [Retail Food Code Standards for Mobile Food Establishments](#) document on FPP's website.



# FOOD TRUCKS

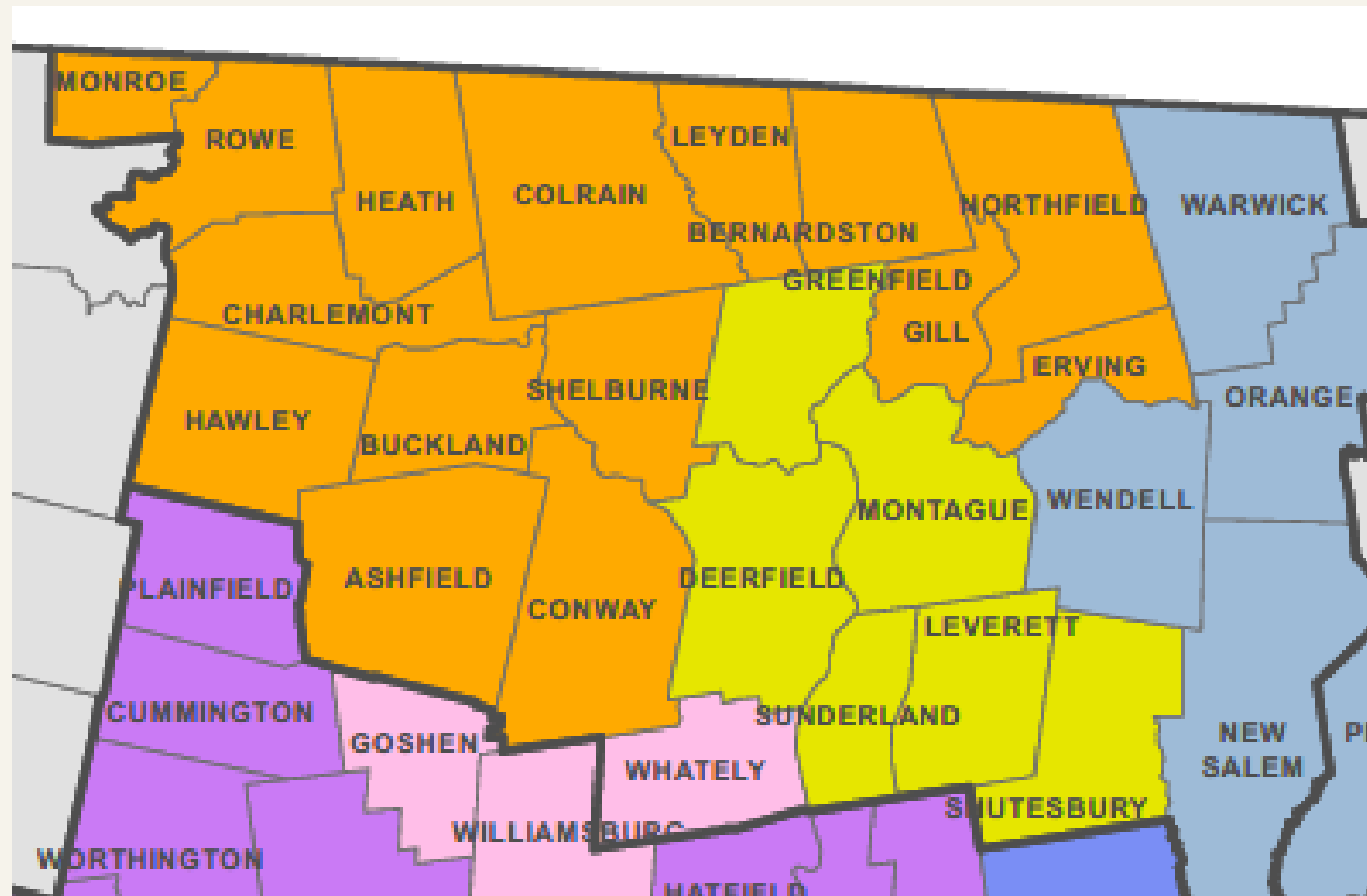
MFEs can vary in size and complexity, from large modular units to pushcarts



Pushcart



# FOOD TRUCKS



The operator of a mobile food operation shall obtain a permit to operate from **each board of health** in whose jurisdiction he or she sells his or her product.

- 105 CMR 590

What about regional permits through Shared Service Arrangements?



# **SERVICING AREAS**

# IS A SERVICING AREA NEEDED?

**A Servicing Area is defined as:**  
means an operating base location to which a **mobile** food establishment or transportation vehicle returns regularly for such things as vehicle and equipment cleaning, discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding FOOD





# SERVICING AREA

- The LBOH *may* require a servicing area for **mobile** food establishments.
  - Obtaining water
  - Discharging waste
  - Storing food
  - Prepping food



# SERVICING AREA

- There is a difference between using the servicing area for basic necessities like getting water and discharging waste and using the servicing area as a commissary to fully prepare food, store food, etc.

*So how do we permit?*



# SERVICING AREA

- If the food truck is only using the servicing area for basic needs, the local BOH can request a copy of the **servicing area's permit from the BOH in which the servicing area is located.**

Bri's Food Truck is applying for a mobile food permit in Needham. Bri uses O'Hara's as her servicing area in Newton. She only uses them to obtain water and empty the wastewater at the end of the day. Otherwise, she preps all food on the truck the day of the event.

## **Needham can ask for:**

- A copy of O'Hara's FSE permit from the City of Newton
- A written and signed agreement between Bri's Food Truck and O'Hara's



# SERVICING AREA

- If the food truck is using the servicing area more extensively, such as storing food, prepping food, etc. the food truck may need to be permitted AT the servicing area as a FSE.

Bri's BBQ Food Truck is applying for a mobile food permit in Needham. Bri uses O'Hara's as her servicing area in Newton. She smokes pulled pork & chicken, makes cole slaw and cornbread, and stores all of her food at O'Hara's.

## **Needham can ask for:**

- A copy of Bri's BBQ permit from the City of Newton
- A copy of Bri's BBQ's most recent inspection report AT O'Hara's by the City of Newton



# SERVICING AREA



## Minimal use of the Servicing Area:

- Servicing Area Food Service Permit
- Written agreement between the Servicing Area and Mobile Food Vendor

## Significant use of the Servicing Area:

- Mobile Food Vendor's **FSE Permit** at the Servicing Area
- Most recent inspection report



# SERVICING AREA

- You have the discretion to figure out if a mobile food truck needs a servicing area





# **FOOD TRUCK APPLICATION PROCESS**

# APPLICATION PROCESS

- **At time of the application, request:**
  - Menu
  - Manner of transportation, storage, cooking, prepping, and service of food
  - Proposed layout
  - Equipment types/information
  - Anticipated volume of food to be stored/prepared
  - Sources of food





# APPLICATION PROCESS

- Continued...
  - FPM Certificate
  - Allergen Awareness Certificate
  - [Clean-Up of Vomiting and Diarrheal Events Plan](#)
  - [Food Employee Reporting Agreement\(s\)](#)
  - Servicing Area permit & written agreement
    - **OR** Applicant's FSE permit at the servicing area
    - Most recent inspection report

# APPLICATION PROCESS

## **Food Employee Reporting Agreement**

### **Preventing Transmission of Diseases through Food by Infected Food Employees**

The purpose of this agreement is to ensure that Food Employees and Conditional Employees notify the Person in Charge when they experience any of the conditions listed so that the Person in charge can take appropriate steps to preclude the transmission of foodborne illness.

#### **I AGREE TO REPORT TO THE PERSON IN CHARGE:**

##### **A. SYMPTOMS OF:**

diarrhea, vomiting, jaundice, sore throat with fever, and lesions containing pus on the hand, wrist, or an exposed body part (such as boils and infected wounds, however small.)

## **2-103.11**

(O) FOOD EMPLOYEES and CONDITIONAL EMPLOYEES are informed in a **verifiable** manner 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 ¶ 2-201.11(A). Pf



# APPLICATION PROCESS

## VOMIT AND DIARRHEA CLEAN-UP PROCEDURE FOR

---

*(Name of Establishment)*

---

*(Address)*

### WHY DO WE HAVE THIS PROCEDURE?

Vomiting and diarrhea can be symptoms of several very contagious diseases and it is the responsibility of food service management to protect both employees and customers from transmission of these diseases. The most important ways of accomplishing this task are:

## 2-501.11

Clean-up of Vomiting and Diarrheal Events. A FOOD ESTABLISHMENT shall have **procedures for EMPLOYEES to follow** when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter onto surfaces in the FOOD ESTABLISHMENT. The procedures shall address the specific actions EMPLOYEES must take to minimize the spread of contamination and the exposure of EMPLOYEES, consumers, FOOD, and surfaces to vomitus or fecal matter.

# APPLICATION PROCESS



## VOMIT/DIARRHEA CLEAN-UP KIT

A vomit/diarrhea clean-up kit is stored in a labeled bin in \_\_\_\_\_

\_\_\_\_\_  
*(Describe location of supplies and extra supplies)*

### Contents of Clean-up Kit:

- 1) Personal Protective Equipment (PPE)
  - disposable gloves, nitrile or non-latex
  - face and eye shields (clean and sanitize after use)
  - disposable shoe covers
  - disposable aprons
  - masks
  - hair covers



# APPLICATION PROCESS

Recommend connecting with your FD about how they want to be involved in permitting food trucks



Can you withhold a permit if the fire department denies them a permit?

2. If you are cooking food that produces grease laden vapors, cooking with propane, or using a portable generator – you must contact Fire Prevention XXX-XXX-XXXX at least 10 days in advance. Failure to meet fire code requirements set in 527 CMR 1.00, 50.2.1.9 and NFPA 96, 4.1.9 will result in no food permit being issued.

# APPLICATION PROCESS

Recommend providing a [Mobile Food Inspection Checklist](#) to the applicant prior to conducting the inspection so they are aware of what is required

- Saves the inspector time at the inspection
- The owner is clear of what will be inspected/what is required





# APPLICATION PROCESS

## Mobile Food Inspection Report

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Establishment Name: \_\_\_\_\_  
Establishment Address: \_\_\_\_\_ Servicing Area (if applicable) \_\_\_\_\_  
Servicing Address: \_\_\_\_\_ Owner Name: \_\_\_\_\_  
Owner Address: \_\_\_\_\_ Inspector: \_\_\_\_\_  
Inspector signature: \_\_\_\_\_ PIC: \_\_\_\_\_  
PIC signature: \_\_\_\_\_

IN √	OUT X	N/A √	Requirements	Notes/Details
			<b>Sinks/Warewashing/Sanitizing</b>	
			Handwash sinks provided & conveniently located.	
			<a href="#">“Employees must wash hands” sign</a> provided at all handwash sinks.	
			Soap, paper towels, and a trash barrel provided at all handwash sinks.	
			Water temperature at handwash sink at least 100° F.	

# APPLICATION PROCESS

Recommend providing required signage either prior to the inspection and/or bringing copies to the inspection:

- [“Please inform your server if you or someone in your party has an allergy”](#) posted on menu board and/or printed menus.
- [“Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness”](#) posted on menu board **if undercooked animal food is being served in RTE form**
  - All animal-derived foods shall be identified by asterisking them to the above noted footnote that states that the items are served raw or undercooked, or contain (or may contain) raw or undercooked ingredients.
- [Food Allergy Awareness poster](#) posted in food prep. areas.
- [“A copy of the most recent inspection report is available upon request”](#) sign required to be posted for public view.
- [“Employees must wash hands” sign](#) provided at all handwash sinks.



Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness\*



## A copy of the most recent inspection report is available upon request

In accordance with section 8-304.11 of the 2013 FDA Food Code Merged with 105 CMR 590.000



Bring copies with you!

### Food Employee Reporting Agreement Preventing Transmission of Diseases through Food by Infected Food Employees

The purpose of this agreement is to ensure that Food Employees and Conditional Employees notify the Person in Charge when they experience any of the conditions listed so that the Person in charge can take appropriate steps to preclude the transmission of foodborne illness.

#### I AGREE TO REPORT TO THE PERSON IN CHARGE:

##### A. SYMPTOMS OF:

diarrhea, vomiting, jaundice, sore throat with fever, and lesions containing pus on the hand, wrist, or an exposed body part (such as boils and infected wounds, however small.)

Employees must wash their hands before returning to work  
Los empleados deben lavarse las manos antes de regresar al trabajo



Before placing your order, please inform your server if a person in your party has a food allergy



## FOOD ALLERGIES

### HOW TO KEEP GUESTS SAFE AND INCLUDED!

EVERY 10 SECONDS, A FOOD ALLERGY REACTION SENDS A PATIENT TO THE EMERGENCY ROOM.

THE TOP 9 COMMON FOOD ALLERGENS

PEANUT	TREE NUT	WHEAT	MILK	EGG	SOY	FISH	SHELLFISH	SESAME

**Food allergies are serious. AN ALLERGIC REACTION TO FOOD CAN CAUSE DEATH. When you are serving a person with a food allergy:**

 <b>BE KIND TO GUESTS WHO HAVE FOOD ALLERGIES.</b> They may feel uneasy about dining outside their home.	 <b>GIVE OPEN, HONEST ANSWERS WHEN GUESTS ASK YOU QUESTIONS.</b> This can help them make safe decisions.	 <b>CREATE A SAFE SPACE FOR FOOD HANDLING SO THAT SAFE FOODS AND ALLERGENS DO NOT TOUCH.</b> All food equipment that is used in the production of allergy-safe foods must be properly cleaned and sanitized before use.
 <b>GIVE YOUR GUESTS MANY CHANCES TO TELL YOU ABOUT THEIR ALLERGIES.</b>	 <b>MAKE SURE THE INFORMATION YOU SHARE WITH GUESTS IS SIMPLE AND ACCURATE.</b> Menus, signs, and labels must be up to date.	 <b>KEEP YOUR FOOD ALLERGY TRAINING UP TO DATE.</b> Knowing how to recognize and respond to a food allergy reaction can save a life!

**CALL 911 AT THE FIRST SIGN OF A REACTION!**

#### VOMIT AND DIARRHEA CLEAN-UP PROCEDURE FOR

\_\_\_\_\_  
(Name of Establishment)

\_\_\_\_\_  
(Address)

#### WHY DO WE HAVE THIS PROCEDURE?

Vomiting and diarrhea can be symptoms of several very contagious diseases and it is the responsibility of food service management to protect both employees and customers from transmission of these diseases. The most important ways of accomplishing this task are:

# **FOOD TRUCK REQUIREMENTS**



# FOOD TRUCK REQUIREMENTS

- **Handwash Sinks**

- Handwash sinks provided & conveniently located
- Water temp. at HW sinks at least 100° F
- Soap, paper towels, and a trash bin located at all HW sinks
- "Employees must wash hands" sign at all HW sinks



# FOOD TRUCK REQUIREMENTS

- **Warewashing**

- 3-bay sink provided with bays large enough to submerge largest equipment
- Drainboards/utensil racks to accommodate soiled and cleaned items
- Sanitizer available
  - Chlorine-bleach
  - Quaternary ammonium compounds
  - Iodine
- Proper test kit available
- Cloths stored in sanitizer solution, away from food, buckets/bottles labeled





# FOOD TRUCK REQUIREMENTS

- **Food Employees**

- PIC present, knowledgeable
- Personal belongings stored in designated area, away from food
- Food employees wearing hair restraints
- Food employees not wearing jewelry, besides plain band
- Open cuts/wounds properly bandaged
- Employees aware of, or showing signs of communicable diseases are excluded or restricted



# FOOD TRUCK REQUIREMENTS

- **Food Safety**

- Wild mushrooms must be approved
- Game animals shall be commercially raised for food
- Eggs, milk, ice cream, and cheese pasteurized
- Utensils stored in food with handle above the top of the food/container OR running water, OR clean portion of prep. table, OR in water 135 °F





# FOOD TRUCK REQUIREMENTS

- **Food Safety**

- Food service gloves are available, discarded when soiled, changing tasks, etc.
- No barehand contact with RTE foods
- Food on display is packaged or protected
- Refrigeration/freezers are capable of keeping foods below 41°F/freezing
- Hot holding equipment available, if applicable



# FOOD TRUCK REQUIREMENTS

- **Food Safety**

- Pre-packaged foods are properly labeled
- Thermometer available to measure internal cooking temperatures of TCS foods
  - PIC able to calibrate
  - Sanitized in between use
- Thermometers in all refrigerators/freezers
- Food stored 6" off floor
- Utensils stored aware are clean and protected, 6" off the ground





# FOOD TRUCK REQUIREMENTS

- **Food Safety**

- Poisonous/toxic materials labeled and stored so they cannot contaminate food
- Ingredients removed from original container are labeled with common name
- Potable water from **approved source\***
- Food source approved; all meat/poultry from USDA



\*Approved public water source or approved well water source

# FOOD TRUCK REQUIREMENTS

- **Physical Facility**

- Floors, walls, and ceiling surfaces are:
  - Smooth, durable, easily cleanable
  - Non-absorbent
  - In good repair (i.e. no cracks, stained ceiling tiles, weathertight, etc.
- Food contact surfaces are:
  - Smooth, free of breaks, open seams, cracks, chips, etc.
- Lightbulbs are shielded or otherwise shatter resistant
- Dry storage areas are clean, protected from dust, and contamination
- Equipment is maintained in good repair; exterior doors, windows, & screens are fully sealed



# FOOD TRUCK REQUIREMENTS

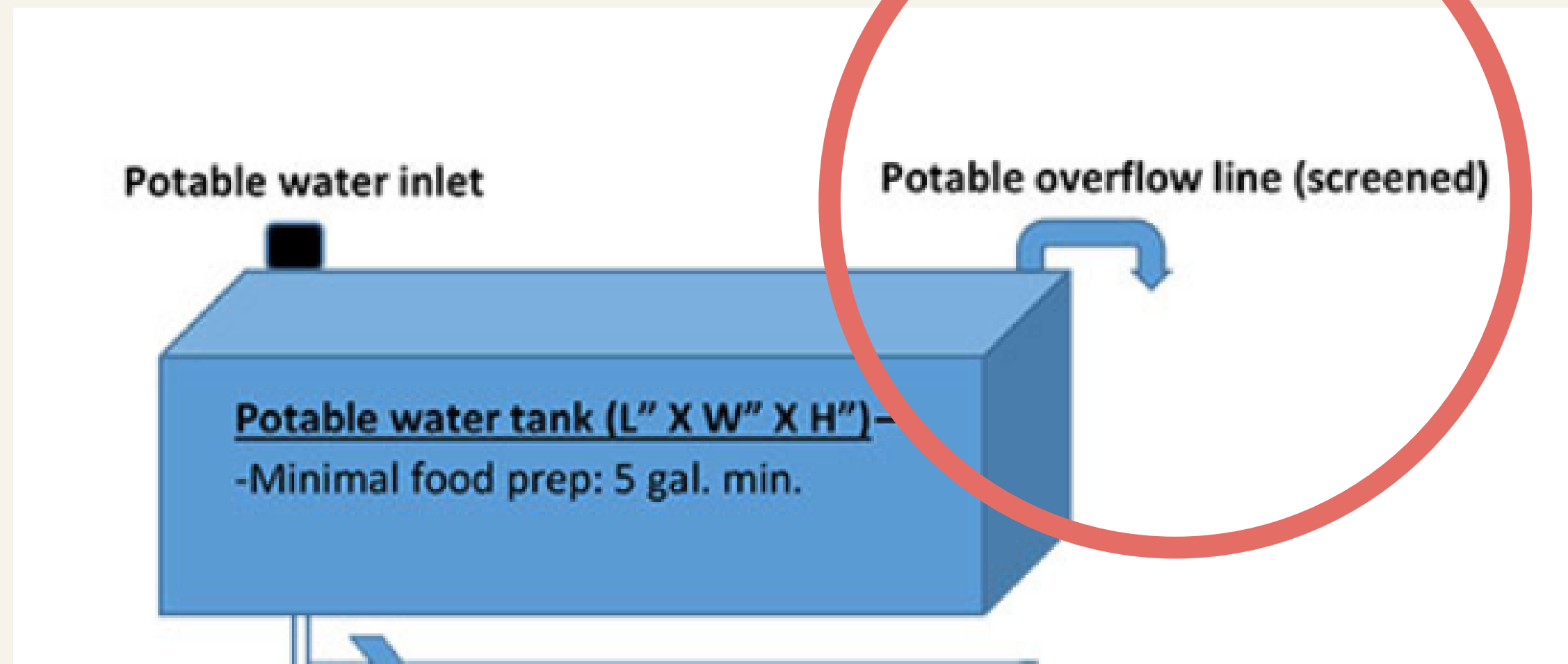
- **Water Tank**

- Water tank is durable, corrosion-resistant, nonabsorbent, smooth, & easily cleanable.
- Enclosed from inlet to outlet.
- Sloped to allow complete drainage.
- If equipped with access port for cleaning, port is at top of tank, flanged upward at least ½ inch, and equipped with cover.

# FOOD TRUCK REQUIREMENTS

- **Water Tank**

- If equipped with a vent, vent is plumbed in a downward direction and covered with screen (if protected) or protective filter (if subject to dirt and debris).





# FOOD TRUCK REQUIREMENTS

- **Water Tank**

- If hose is used for drinking water, hose is durable, corrosion-resistant, nonabsorbent, finished with a smooth interior surface.
- Hose is durably identified if not permanently attached.
- Inlet shall be  $\frac{3}{4}$  inch or less.
- Backflow prevention provided.
- Water tank, pumps, and hoses used for supplying drinking water not used for any other purpose.
- A water tank, pump, and hoses shall be flushed and sanitized before being placed in service after construction, repair, modification, and periods of nonuse.
- Size of water supply tank: \_\_\_\_\_

# FOOD TRUCK REQUIREMENTS

- **Waste Tank**

- Size of waste tank supply tank: \_\_\_\_\_ (must be 15% larger than water tank)
- Sloped to a 1+ inch drain equipped with shut-off valve.
- A direct connection may not exist between waste tank and equipment in which food, portable equipment, or utensils are placed.
- If grease trap is used, grease trap is easily accessible for cleaning.
- If grease trap is used, location where grease will be disposed of:
- \_\_\_\_\_



# FOOD TRUCK REQUIREMENTS

- **Waste Tank**

- Sewage and other liquid wastes shall be disposed of at an approved facility (may not be dumped onto the ground surface, into waterways, or into storm drains).
- Location where waste will be disposed of:

\_\_\_\_\_

- Typically this would happen at the Servicing Area!



# FOOD TRUCK REQUIREMENTS

- **General**

- Unit is clean to sight and touch and free of grease, dust, and/or dirt build up.
- Unit is constructed and arranged so food, beverage, and utensils are not exposed to insects, dust, or other contaminants.



# FOOD TRUCK REQUIREMENTS





# FOOD TRUCK REQUIREMENTS





# POSTING REQUIREMENTS

Posted in a Conspicuous Place for [Public View](#)

- **Food Protection Manager** and **Allergen Awareness** certificates posted in a conspicuous place for the public
- A sign stating “*a copy of the most recent inspection form is available upon request*” hung in a conspicuous location for the public.
- A clear and conspicuous notice on the printed menu or menu board stating: “*Before placing your order, please inform your server if a person in your party has a food allergy*”



# POSTING REQUIREMENTS

**A copy of the most recent  
inspection report is  
available upon request**

In accordance with section 8-304.11 of the 2013 FDA Food Code Merged with 105  
CMR 590.000



**Public Health**  
Prevent. Promote. Protect.

**Before placing your order, please  
inform your server if a person in  
your party has a food allergy**



**Public Health**  
Prevent. Promote. Protect.

# POSTING REQUIREMENTS

Posted in a Conspicuous Place for [Public View](#)

- A sign stating “*Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness*”\*
  - All animal-derived food that is served raw or undercooked listed on the menu shall be linked to the above statement by an asterisk
- A copy of the temporary food permit
  - the permit shall state the inclusive dates, location, and any restrictions in the operations allowed



# POSTING REQUIREMENTS

**Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness\***



## **Hamburgers**

Cheeseburger \*  
Bacon Deluxe Burger \*  
Ultimate BBQ Burger \*

## Menu Example B

## **Steaks & Poultry**

Porterhouse 12oz. \*  
Grilled Chicken  
New York Strip 6oz. \*

Disclosure

Reminder

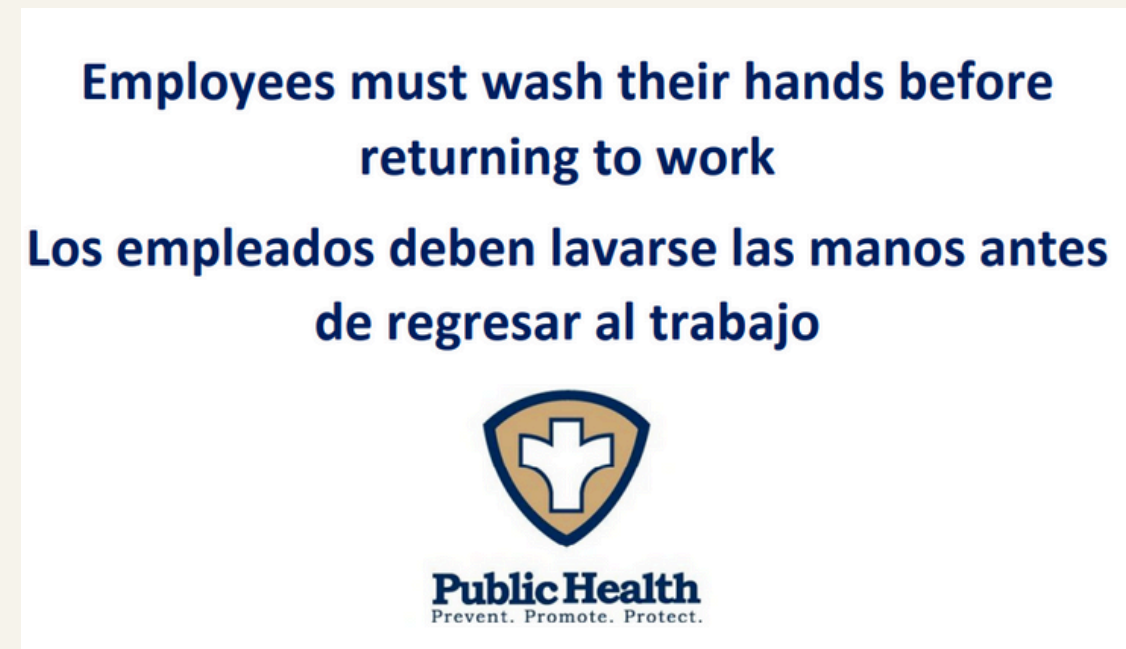
**(Displayed at the bottom of the page)**

\* These items may be served undercooked. Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness.

# POSTING REQUIREMENTS

## Postings - For Employee View Only

- [Allergen poster](#) - for employee view (updated 2024)
  - Additional languages available [here](#)
- A sign stating “*Employees must wash hands*” at all handwash sinks





Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness\*



## A copy of the most recent inspection report is available upon request

In accordance with section 8-304.11 of the 2013 FDA Food Code Merged with 105 CMR 590.000



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### FOOD ALLERGIES

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**CALL 911 AT THE FIRST SIGN OF A REACTION!**

# **FROZEN DESSERT MANUFACTURERS**



# FROZEN DESSERT MANUFACTURERS

M.G.L. c.94, § 65G-U/[105 CMR 500](#) states that frozen desserts manufacturers, **both retail and wholesale**, shall be licensed and **inspected by local boards of health**



1. Wholesale manufacturing plants that pasteurize raw milk and cream;
2. Wholesale manufacturers who purchase a pasteurized mix and manufacture ice cream;
3. Retail manufacturers who purchase a pasteurized mix and manufacture ice cream, soft-serve ice cream or frozen yogurt in a “frozen dessert freezing/dispensing machine.”



# FROZEN DESSERT MANUFACTURERS

## 2. Wholesale manufacturers who purchase a pasteurized mix and manufacture ice cream

Even though it's **wholesale**, 105 CMR 500 **specifically** requires the LBOH to permit



Bart's Ice Cream - Greenfield



Friendly's Manufacturing-Wilbraham



# FROZEN DESSERT MANUFACTURERS

3. Retail manufacturers who purchase a pasteurized mix and manufacture ice cream, soft-serve ice cream or frozen yogurt in a “frozen dessert freezing/dispensing machine.”

The term manufacturer or frozen dessert manufacturer as it appears in the regulations includes any retail establishment operating a frozen dessert freezing/dispensing machine.

- Think McDonald's, Wendy's, ice cream shops



# FROZEN DESSERT MANUFACTURERS

Application to local boards for licensing are to be made in February, and **the license year is effective from March 1 through the end of February the following year.** Fees for licenses can be determined by the BOH.





# FROZEN DESSERT MANUFACTURERS

The current language in 105 CMR 500.082(B) states that all manufacturers must have their frozen dessert products tested monthly by an approved laboratory.

The intent is to require bacteriological testing for **dairy-based** frozen desserts only.

Sample	BACTERIA COUNT	
	Aerobic Plate Count/g	Coliform/g
Vanilla Ice Cream Date Made: 4/1/25	< 250 ERAC	1

\* MASSACHUSETTS STANDARDS: Machine: APC ≤ 30,000/g; Coliform ≤ 50/g  
Other: APC ≤ 30,000/g; Coliform ≤ 20/g  
METHOD REFERENCE: Standard Methods For The Examination of Dairy Products, 18th Edition, American Public Health Association, 2024

John E. Morrell, PhD,

# FROZEN DESSERT MANUFACTURERS

? ? **What do you do if the bacteriological standards  
come back out of range?** ? ?

“The standards were never intended to be used as a rigid enforcement tool, especially on the first analysis. It should be noted that the frozen dessert regulations do not consider one excessive count as a violation”

[Licensing and Testing Requirements for Frozen Desserts](#)



# FROZEN DESSERT MANUFACTURERS

“The presence of coliform is an indicator of inadequate operational sanitation and controls somewhere in the process. Bacteria counts slightly above the standards should only be a wake up call.”

“The overall risk to frozen dessert products is extremely low. The cold temperature simply does not allow for the growth of pathogens. In fact, there are very few reported food-borne illnesses associated with frozen dessert products - none reported to MDPH in recent years.”

# FROZEN DESSERT MANUFACTURERS

“If the frozen dessert establishment has a history of slightly high counts or has some significantly high counts, the board of health should implement the resampling protocol stipulated in either 105 CMR 500.082(C), 500.082(D), or 500.082(E), or perform an inspection, or both.”

**“It is deemed a violation if the majority of the three samples exceed bacterial limits. At this time the inspector may take action against the dispensing machine(s) and/or establishment responsible for the high counts.”**



# ICE CREAM TRUCKS

# ICE CREAM TRUCKS





# ICE CREAM TRUCKS

**Ice Cream Truck vending is defined as:** the selling, displaying or offering to sell ice cream or any other prepackaged food product from an ice cream truck.

## **520 CMR 15.00 - Permitting of Ice Cream Truck Vendors**

- The permitting authority is the Chief of Police or person authorized by them.
  - An applicant who obtains a permit in the municipality where he or she lives may operate without restriction in any other municipality.
- or**
- An applicant who obtains a permit in a particular municipality where he or she intends to operate is restricted to operating in that municipality.

# ICE CREAM TRUCKS

- Each person who intends to operate the truck must obtain a permit - i.e. if the owner employs 5 employees, all 5 employees must apply
  - The permit may list all employees - and shall be posted visibly on the windshield
- The investigation shall include performing a state and national criminal history records check
  - In no case, however, shall a Permitting Authority issue a permit to any person who is a sex offender



# ICE CREAM TRUCKS

In order to obtain a permit, the following information shall be submitted to the Permitting Authority:

- a. Completed application on the uniform application form approved by the Department;
- b. A copy of applicant's fingerprints; and
- c. Two current photographs of the applicant.

The initial permit shall expire on January 1<sup>st</sup>

# ICE CREAM TRUCKS

Ice Cream Trucks **are still required to obtain a mobile food permit** from the local BOH

Don't forget - soft-serve machines require laboratory testing!

[105 CMR 500.082\(B\)](#) states that all manufacturers must have their frozen dessert products tested monthly by an approved laboratory.





# ICE CREAM TRUCKS

## Permits from Other Agencies

- Permitting of Ice Cream Truck Vendors (from Police Department-520 CMR 15.00)
- Hawkers & Peddlers (from Division of Standards)

## Permits from the LBOH

- Mobile Food Permit
- Frozen Dessert Manufacturer Permit (if applicable)
  - requires monthly lab testing!

Food Establishment Permit



- Mobile Food
- Frozen Dessert



# ICE CREAM TRUCKS

## Servicing Area?

What if they're storing these in a freezer in their garage?





# **HAWKERS AND PEDDLERS**

# HAWKERS AND PEDDLERS

## What are they? Do we care?

Any person, either principal or agent, who goes from town to town or from place to place in the same town selling or bartering, or carrying for sale or barter or exposing therefor, any goods, wares or merchandise, either on foot, on or from any animal or vehicle.

Includes food trucks!





# HAWKERS AND PEDDLERS

- In Massachusetts, hawkers/peddlers are required to be licensed with the Division of Standards (DOS).
- Licenses are valid for one year and are for individuals only, not for a group or business.
  - Each driver of a food truck needs to get a license
- Similar to ice cream trucks, hawker/peddler applicants also need the Chief of Police from the city or town where the applicant resides to fill out a 'Certificate of Character'



# HAWKERS AND PEDDLERS

Do we at the local level care? Should we require a copy of the H&P license at time of application?

What about Workers Comp?

- ☐ Workers Compensation Affidavit
- ☐ Application Fee
- ☐ Menu
- ☐ Food Manager Certification
- ☐ Allergen Awareness Certification
- ☐ Hawkers & Peddlers License



# HAWKERS AND PEDDLERS

Do Temporary Food Vendors need to get a Hawkers and Peddlers license?



*“If they’re selling from a table or booth, they need a transient vendor license (which the Division also issues). But, if they’re selling at an event where the person/business organizing the event, and to whom they’re paying for their booth, holds a **promoter’s license** for the event (which license the Division also issues), the individual food vendors don’t need any license from us. The promoter’s license covers the event and everyone participating in it.”*

# **NON-PROFITS, BAKE SALES, AND POTLUCKS**



# NON-PROFITS

## Non-profit exemptions:

- Food Protection Certificate
- Allergen Awareness Certificate
- Permit fee (per M.G.L. c. 94, § 328 if food is free or the charge covers the cost of food)

***They are not exempt from  
getting a permit!***



# BAKES SALES

## Bake Sales

- Bake sales are allowed (without a permit) IF:
  - The food being offered is a **non-TCS food**
  - For a religious or charitable organization
  - The consumer is informed by a clearly visible placard at the sales or service location that the food is prepared in a kitchen that is not subject to regulation and inspection by the regulatory authority

**This food is prepared in a kitchen that is not subject to regulation and inspection by the regulatory authority**



[Sample Signage](#)



# POTLUCKS

## Potlucks

- A valid permit to operate is not required when a potluck event meets all of the requirements of M.G.L. c. 94, § 328A, including that participants at the event must be informed that neither the food nor the facilities have been inspected by the state or by a local public health agency.

**This food is prepared in a kitchen that is not subject to regulation and inspection by the regulatory authority**



[Sample Signage](#)

# MISCELLANEOUS

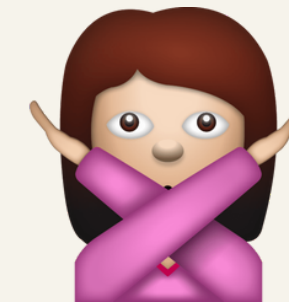
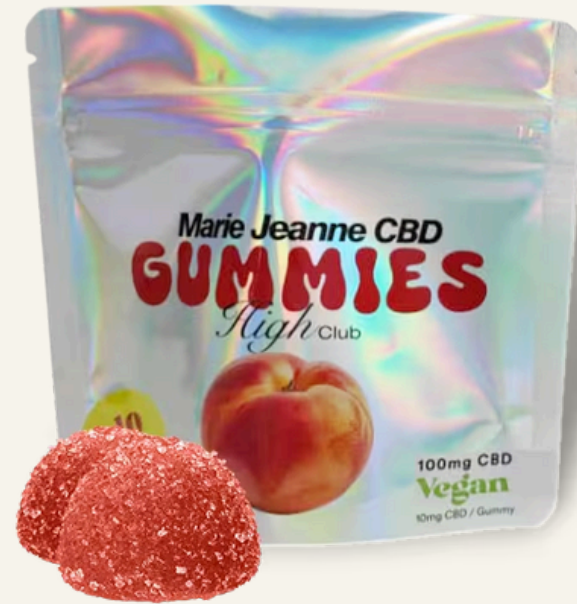


# MISCELLANEOUS

- CBD-infused foods are not allowed
  - [Fact sheet from the MA DPH](#)
  - CBD is not an approved ingredient under federal law
  - This includes pet food! (not enforced by the BOH)
  - **THC**-infused food items are regulated under the CCC and are not ‘food’



# MISCELLANEOUS



Call CCC



# MISCELLANEOUS

- Required Documentation & Postings for Food Establishments Guidance Document

- Created by hub trainers
- To be used as guidance for inspectors and for food establishment owners

## REQUIRED DOCUMENTATION & POSTINGS FOR FOOD ESTABLISHMENTS



### » Required to be posted for customer view

1. **Food Protection Manager (FPM) Certificate**
  - Manager's certificate, not food handler
  - Must be in a supervisory and management role
  - The FPM does not need to be present at all times but should designate a person in charge as stated in 2-101.11
  - The FPM must also hold an Allergen Awareness certificate
2. **Allergen Awareness Certificate**
  - Access training here: <https://tinyurl.com/b2bt4fzy>
3. **"Most Recent Inspection Report Available Upon Request" signage**
4. **Current food permit and any applicable local permits**

### » Must be available upon request

*(posting certificates is recommended)*

1. **Anti-Choke Certificate**
  - Required for establishments with 25+ seats
  - A trained employee (with certificate) is required to be on site at all times while food is being served
  - Insurance provision to cover employees who may render aid

### » Required to be posted in employee work area

1. **Allergen Awareness Poster**
  - No smaller than 8.5 x 11" and include the requirements listed in 105 CMR 590.011(C)(1)
  - Access poster here: <https://tinyurl.com/3baz4anu>
2. **Handwashing Sign**
  - Required to have in all handwashing sinks used by food employees and should be clearly visible

### » Required policies & procedures

1. **Vomit & Diarrheal Event Clean-Up Plan**
  - Food establishment should have procedures for employees to follow when responding to vomiting or diarrheal events
  - Written procedure is recommended
  - Procedural specific clean-up items must be available on site

# MISCELLANEOUS

## Allergen Awareness update - 2024

In 2024, the Department of Public Health Food Protection Program (FPP) updated its policy to allow for new allergen training videos and posters. The previously approved Allergen Awareness video is no longer approved. **Current certificates remain valid until their expiration date.**

**Allergen Awareness training videos that are now deemed approved must be:**

1. ANAB accredited, and contains content specified by FPP
2. FareCHECK certified
3. Not otherwise accredited or certified, but contain content specified by FPP



# MISCELLANEOUS

## Allergen Awareness update - 2024

- Updated poster - must be posted in employee area
- Now includes sesame



# RESOURCES

- [Merged Food Code](#)
- [Temporary Food & Farmers' Market Q&A](#)
- [Mobile Food Establishment Q&A](#)
- [Sample Signage](#)
  - Allergen Awareness Poster
  - Employees Must Wash Hands Signage
  - Allergy Notice Signage
  - Most Recent Inspection Report Signage
  - Consumer Advisory Signage
  - Bake Sale/Potluck Signage
- [Temporary Food & Mobile Food Inspection Checklists](#)
- [Licensing and Testing Requirements for Frozen Desserts](#)
- [CBD and THC in Food Manufactured or Sold in Massachusetts](#)
- [Allergen Awareness Guidance - 2024 Update](#)
- [Labeling Requirements for Packaged Foods](#)



# QUESTIONS?

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**Franklin-Hampshire Training Hub**

Franklin Regional Council of Governments