

California Signs Bill Allowing Sale of Home-Cooked Food

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- California Governor Jerry Brown signed a bill into law on September 18, 2018 which will allow Californians to sell food they make themselves, a practice that was previously outlawed due to health concerns. [Assembly Bill 626](#), also known as the Homemade Food Operations Act, amends California's Health and Safety Code to establish strict guidelines for "microenterprise home kitchen operations" (MHKs) and goes into effect on January 1, 2019.
- The legislation limits MHKs to \$50,000 in sales a year, and 60 individual meals a week. The food must be prepared, cooked, and served on the same day and picked up by the customer or delivered within a safe time period. Indirect sales are prohibited – customers must either pick up the food from the cook, or the cook must deliver it directly to the customers. However, MHKs are exempt from certain food service facility requirements that are required of commercial kitchens, such as three-compartment sinks.
- Assembly Bill 626 aims to quell any concerns about food safety by requiring MHK operators to be permitted and subject to state health inspections. The bill also allows city and county health departments to opt in to the new law, if they wish. MHK operators will be required to obtain food manager training and certification. MHK operators will bear the costs of permitting and annual inspections, which add up to about \$300 per year. The total cost to launch a MHK is estimated to be \$800 a year, including liability insurance, although such insurance is not required.
- Prior to the passage of Assembly Bill 626, California restricted the ways by which individuals could sell food: (1) through commercial food facilities, or (2) through the Cottage Food Act, which allows the sale of mostly non-perishable foods, such as baked goods without cream or meat fillings, candy, chips, and jams.

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