

105 CMR: DEPARTMENT OF PUBLIC HEALTH

105 CMR 590.000 STATE SANITARY CODE CHAPTER X – MINIMUM SANITATION STANDARDS FOR FOOD ESTABLISHMENTS

Section

590.009 Special Requirements

(D) Residential Kitchens.

(1) Residential Kitchens in Bed and Breakfast Homes and Bed and Breakfast Establishments.

(a) All bed and breakfast homes serving full breakfast and bed and breakfast establishments serving full or continental breakfast shall require a food establishment permit and shall comply with the minimum requirements of 105 CMR 590.009(D) as well as the Administration and Enforcement sections (105 CMR 590.010 through 590.021), except they shall be exempt from 105 CMR 590.043, "Plan Submission and Approval" in which case only an intended menu shall be submitted to the board of health with their application for permit. However, bed and breakfast establishments with ten guestrooms or more shall comply with all provisions of 105 CMR 590.000.

(b) Bed and breakfast homes and bed and breakfast establishments, which require a permit, shall be inspected by the board of health upon application for an original permit and within the six months prior to renewal of a permit, and as often as necessary for the enforcement of 105 CMR 590.000.

(c) Food preparation and protection: Residential kitchens in bed and breakfast homes and bed and breakfast establishments.

1. Food shall be prepared and protected in accordance with 105 CMR 590.000.

2. Food, utensils and equipment shall be stored in a manner to avoid contamination.

3. The following food handling practices for potentially hazardous foods are prohibited: cooling and reheating prior to service, hot holding for more than two hours, and service of leftovers.

4. All food temperature requirements shall be met as contained in 105 CMR 590.000. Hot and cold holding equipment shall be provided to maintain potentially hazardous foods at temperatures required by 105 CMR 590.000.

*** (2) Residential Kitchens: Retail Sale.

(a) A food establishment permit shall be required if food is prepared in or distributed from a residential kitchen for retail sale except as exempted under the definition of food establishment in 105 CMR 590.002 and shall comply with the minimum requirements of 105 CMR 590.009(D) as well as the Administration and Enforcement (105 CMR 590.010 through 590.021), except they shall be exempt from 105 CMR 590.043, "Plan Submission and Approval" in which case only an intended list of food to be prepared or distributed shall be submitted to the board of health with their application for permit. In addition, the following requirements shall be met:

(b) Food Preparation and Protection: Residential Kitchen for Retail Sale.

1. Only non-potentially hazardous foods and foods which do not require refrigeration and a variance in accordance with 105 CMR 590.010(H) shall be prepared in or distributed from a residential kitchen for retail sale to the public except as exempted under the definition of food establishment in 105 CMR 590.002. Ingredients that are potentially hazardous foods, such as milk, cream, and eggs, may be used in food preparation for the public provided that the final product is not a potentially hazardous food.

2. Wholesale operations requiring a food processor registration by the Department shall not be conducted in an establishment holding a residential kitchen permit.

3. Only immediate family members residing in the household may prepare food for retail sale in a residential kitchen.

*** (3) General Requirements for All Residential Kitchens.

(a) Food Supplies. Food shall be obtained from approved sources, shall be in sound condition, and be safe for human consumption. Foods, which do not comply with 105 CMR 590.000, shall not be served to the public and shall either be stored separately or labeled for private use. A separate shelf or portion thereof within a refrigerator shall be an acceptable form of separate storage. In addition to requirements set forth in FC 3-201.11(C), packaged food shall also meet requirements set forth in 105 CMR 520.000:

Labeling.

(b) Personal Health and Hygiene. Food employees shall conform to employee health and hygiene requirements in 105 CMR 590.000.

(c) Handwashing. A soap dispenser and disposable towels for use in handwashing shall be provided at the kitchen sink. This sink shall not be used for handwashing after toilet use but may be used for food preparation and warewashing provided it is cleaned and sanitized prior to and between use.

(d) Toilet Room. A toilet room shall be available for use by food employees. Toilet rooms opening to the kitchen or dining area shall have adequate ventilation. Ventilation may be provided by window(s) or by mechanical means. A soap dispenser and disposable towels shall be provided for handwashing in toilet rooms used by food employees.

(e) Equipment and Utensil Design And Construction. All equipment and utensils shall be constructed of safe materials and maintained in good repair.

(f) Food-Contact Surfaces. All food contact surfaces, counters, sinks and work surfaces in the establishment shall be smooth, non-absorbent and easily cleanable.

(g) Cleaning and Sanitizing.

1. Food contact surfaces of equipment, tableware and utensils shall be cleaned and sanitized prior to food preparation for the public and after each use in accordance with 105 CMR 590.000.

2. For manual cleaning and sanitizing of cooking equipment, utensils and tableware, three compartments shall be provided and used; or a two compartment sink may be used if single service tableware is provided, or when an approved detergent sanitizer is used in accordance with FC 4-501.114 and FC 4-301.12. The board of health may allow the use of compartments other than sinks, such as tubs and basins.

3. A domestic or home style dishwasher may be used provided the following performance criteria are met:

- a. The dishwasher must effectively remove physical soil from all surfaces of dishes, equipment and utensils.
- b. The operator shall provide and use daily a maximum registering thermometer or a heat thermal label to determine that the dishwasher's internal temperature is a minimum of 150° F after the final rinse and drying cycle. Records of this testing shall be kept on file for 30 days.
- c. The dishwasher must be installed and operated according to manufacturer's instructions for the highest level of sanitization possible when sanitizing residential kitchen facilities' utensils and tableware; a copy of the instructions must be available on the premises at all times.

4. There shall be sufficient area or facilities such as portable dish tubs and drain boards for the proper handling of soiled utensils prior to washing and of cleaned utensils after sanitization so as not to interfere with safe food handling, handwashing and the proper use of dishwashing facilities. Equipment, utensils and tableware shall be air-dried.

(h) Insect Proof/Rodent Proof.

1. Food service preparation and storage areas shall be constructed and maintained to prevent the entry of pests and other vermin.

2. Pesticides and rodenticides shall be applied according to law.

(i) Premises.

1. Pets may be present on the premises, but shall be kept out of food preparation and dining areas during food preparation and service to the public.
2. Laundry facilities may be present in the kitchen, but shall not be used during food preparation and service to the public.
3. Cooking facilities in the kitchen shall not be available to guests.

(j) Garbage Receptacles. Impervious receptacles shall be provided for storage of garbage and refuse.

(k) Water Supply. Hot and cold water under pressure shall be provided and shall be from an approved source.

(l) Sewage. Sewage shall be disposed of through an approved system that is:

1. A public sewage treatment plant; or
2. An individual sewage disposal system that is sized, constructed, maintained, and operated according to law.