

105 CMR 590.009 : Special Requirements

(B) Mobile Food Operations:

- (1) Mobile food operations shall comply with the requirements of the federal 1999 *Food Code* and other applicable provisions of 105 CMR 590.000 except as otherwise provided in 105 CMR 590.009(B). The board of health may impose additional requirements and restrictions to protect against health hazards related to the conduct of the mobile food operation and may prohibit the sale of some or all potentially hazardous foods.
- (2) Mobile food operations not equipped with an adequate water and waste system to facilitate hand-washing and the cleaning and sanitizing of utensils shall be limited to the preparation and service of frankfurters and non-potentially hazardous foods and to the sale of pre-packaged food prepared at a food processing establishment licensed in accordance with 105 CMR 500.00, except that pre-packaged food may be prepared by the mobile food operator at a licensed food establishment for which he or she holds a permit in accordance with 105 CMR 590.000.
- (3) Mobile food operations equipped with an adequate water and waste system to facilitate hand-washing and the cleaning and sanitizing of utensils may prepare potentially hazardous foods requiring limited preparation for immediate service, provided that any advanced food preparation, if necessary, is conducted by the mobile operator in a licensed food establishment.
- (4) Mobile food operations shall provide only single-service articles for use by the consumer.
- (5) Condiments, cream and sugar shall be served only from a sanitary dispenser or in individually wrapped servings.
- (6) Mechanical refrigeration or insulated containers with ice or gel packs must be used to maintain product temperature for pre-packaged, ready-to-eat foods which are required to be held at or below 45° F or 41° F. The storage of packaged food in contact with water or undrained ice is prohibited. Wrapped ready-to-eat foods such as sandwiches shall not be stored in direct contact with ice. **Effective July 1, 2005, all mobile food operations selling or distributing ready-to-eat PHF's must be equipped with mechanical refrigeration that can maintain PHF's at or below 41° F.**
- (7) Bulk food shall not be used unless purchased from an approved source. Bulk PHF's with the exception of frozen desserts, must be sold or served on the same day as purchased. All hot food shall be discarded if not used or sold by the end of the day.
- (8) A convenient hand-washing facility must be available on site for employee hand-washing whenever handling unpackaged foods. This facility shall consist of at least sufficient warm running water, soap and individual paper towels. The board of health may approve the use of chemically treated towelettes in lieu of hand-washing facilities if only frankfurters, non-potentially hazardous foods and non-perishable foods are served and there is no bare-hand contact. Chemically treated towelettes must be made available for use by customers in self-service operations.
- (9) A sign shall be provided at consumer self-service operations, which states that the use of bare hands by consumers for self-service is prohibited by state law.
- (10) Equipment:
 - a. Equipment shall be located and installed in a way that prevents food contamination and that also facilitates cleaning the equipment and establishment.
 - b. Food-contact surfaces of equipment shall be protected from contamination by consumers and other contaminating agents. Effective shields for such equipment shall be provided, as necessary, to prevent contamination. Mobile food operations, which cool or reheat unpackaged food for hot holding shall be fully enclosed unless equipped with air curtains to prevent the contamination of food and food contact surfaces with environmental contaminants.
 - c. Ware-washing facilities, when required, shall be available in accordance with the FDA Food Code for cleaning in-use utensils and food contact surfaces.

- (11) Operators of mobile food operations shall obtain the use of adequate and suitable toilet facilities where hand washing facilities are available.
- (12) Mobile food operations shall operate from a fixed, licensed food establishment or food processing plant and shall report at least daily to such locations for all food, water and supplies and for all cleaning and servicing operations. Mobile food operators shall retain the list of ingredients and the receipt for all bulk foods, which must indicate the name of the food item, the date purchased and the name of the approved food source licensed in accordance with 105 CMR 500.00.
- (13) Servicing areas shall be provided with overhead protection except that areas used only for the loading of water, packaged food or the discharge of sewage and other liquid waste, through the use of a closed system of hoses, need not be provided with overhead protection.
- (14) Mobile food operations shall have identification, i.e., person's name and/or business name, city and telephone number in letters not smaller than three inches, on the left and right door panels of the vehicle or on the left and right sides of the trailer or pushcart.

105 CMR 590.012 : Permit to Operate

(A) Mobile Food Operations:

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

105 CMR 590.003 : Responsibility

(A) Assignment:

(2) Each mobile food vendor shall be or employ at least one full-time person in charge who shall be an on-site manager or supervisor and is at least eighteen (18) years of age and who by being a **certified food protection manager** has shown proficiency of required information through passing a test that is part of an accredited program recognized by the Massachusetts Department of Public Health.