



TOWN OF RAYNHAM
Selectmen and Board of Health

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Residential Kitchen Permit and Operation Regulations

A. Purpose:

Whereas the Raynham Board of Health is responsible for inspecting food establishments within the Town of Raynham, and the Massachusetts Department of Public Health has adopted the 2013 FDA Food Code with amendments made by the FDA in 2015 and additional amendments adopted by DPH in 2018 as the 105 CMR 590: State Sanitary Code, Chapter 10 – Minimum Standards for Food Establishments, and within the code it is indicated that under certain conditions a Residential Kitchen is not considered a food establishment.

Whereas the Raynham Board of Health maintains the opinion that the products prepared in residential kitchens still pose enough of a risk to consumers that it warrants unique regulations, permitting, and inspection by the Board of Health.

Now, therefore, for the health and safety of the public, it is the intention of the Raynham Board of Health to regulate all residential kitchens.

B. Authority:

This regulation is promulgated pursuant to the authority granted to the Raynham Board of Health by Massachusetts General Laws Chapter 111, Section 31 which states "Boards of health may make reasonable health regulations".

C. Definitions:

Residential kitchen: A kitchen in a private home that is used to prepare food for public sale/service.

Time temperature control for Safety food: A food that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation (Formerly "Potentially Hazardous Food" (PHF)).

D. Permits Required:

A Residential Kitchen Permit shall be required for the operation of a kitchen in a private home used to prepare food for sale or service to the public.

E. Special Requirements:

Residential Kitchens are unique, in that they are kitchens in a private home that are allowed to be used to prepare food to be sold for public consumption, rather than just their typical use of filling the needs of the individuals that reside in the home. Residential Kitchen permit holders must meet and adhere to these minimum requirements:

- 1) Residential kitchens are strictly limited to the preparation of non-time/temperature controlled for safety (non-TCSs), such as baked goods, confectioneries, jams and jellies. Non-TCSs, such as cakes and cookies, which have TCS ingredients, are acceptable.
- 2) The preparation and sale of time/temperature controlled for safety (TCS) such as cream-filled pastries, cheesecake, custard, and other foods which can support the growth of disease causing bacteria are strictly prohibited. In addition, perishable foods that require refrigeration, such as cut fruit and vegetables, tomato and barbeque sauce, pickled products, relishes and salad dressings are not permitted in residential kitchens. In addition, all foods that are manufactured or packaged using processes that require state or federal control (e.g., acidification, hot fill, vacuum-packaging, etc.) are prohibited.
- 3) Hours of operation must be stated on the application for purposes of inspectional opportunities afforded to the Board of Health.
- 4) Operators must possess a current food protection manager certification and allergen awareness.
- 5) Any dry goods, refrigerated ingredients, baking and cooking utensils, etc. used for the residential kitchen must be kept separate from that food that is used for the personal use of the occupants of the residence. Food must be kept in a clean and dry location and not be exposed to splash, dust, or other contamination.
- 6) All food preparation surfaces and equipment must be cleaned and sanitized before and after use.
- 7) The finished product shall be stored in a manner to protect it from contamination.
- 8) Any vehicle used for transportation of the finished products shall be maintained in a clean and sanitary manner and the food shall be protected from contamination during transport. Any vehicles used for transportation of product shall also be subject to inspection by the Board of Health.
- 9) Products must be properly labeled. A list of ingredients used must be available for consumers.
- 10) Pets are not allowed in the food preparation area of a residential kitchen at any time during preparation. Food preparation areas must be blocked off from the entry of pets at all times during preparation.
- 11) Smoking is not allowed in the residential kitchen during operation.
- 12) The Board of Health or its representative may impose additional requirements as it deems necessary for the best interest and health of the public.

E. Effective Date:

This regulation shall be effective April 1, 2019 and will coincide with annual permitting. The fee for the permit will correspond with the current fee schedule for the “Residential Kitchen” permits.

F. Violations:

It shall be the responsibility of the establishment, permit holder, and/or his or her designee to ensure compliance with this regulation.

G. Enforcement:

Enforcement of this regulation shall be by the Raynham Board of Health or its designated agent(s).

H. Severability:

If any provision of this regulation is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

Approved by a vote on March 26, 2019