



Board Agenda Item 9

DATE: June 16, 2026

TO: Board of Supervisors

SUBMITTED BY: Joe Prado, Director, Department of Public Health

SUBJECT: Proposed Amendment to the Ordinance Code of Fresno County, Adding Chapter 8.51 "Microenterprise Home Kitchen Operations"

RECOMMENDED ACTION(S):

- 1. Conduct first hearing to amend Fresno County Ordinance Code, Title 8 Health and Safety, to add Chapter 8.51 "Microenterprise Home Kitchen Operations"; waive reading of the Ordinance in its entirety and set the second hearing for June 30, 2026;**
- 2. Designate County Counsel to prepare a fair and adequate summary of the proposed Ordinance; and**
- 3. Direct the Clerk of the Board to post and publish the required summary in accordance with Government Code, Section 25124(b)(1).**

There is no additional Net County Cost associated with the recommended actions which would add Chapter 8.51 "Microenterprise Home Kitchen Operations" to Title 8 Health and Safety, to allow new economic opportunities for home cooks, expand local food options, and provide easier entry into the retail food business. A microenterprise home kitchen operation (MEHKO) is a new type of retail food facility that is operated by a resident in their private dwelling where food is stored, handled, prepared, and potentially served to consumers. AB626 and AB377 introduced MEHKOs as a new opportunity for a legal pathway into food service and allowed counties full jurisdiction to authorize MEHKOs to operate within the county. This ordinance will allow for a 2-year pilot project to determine the full feasibility and benefit of introducing a MEHKO program. This item is countywide.

ALTERNATIVE ACTION(S):

Should your Board choose not to approve the recommended actions, the County would continue without having an ordinance to allow MEHKOs to be introduced into the County of Fresno.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The Department of Public Health (DPH) will incur costs associated with the inspection and regulation of MEHKOs; however, these costs will be offset by permit fees. If approved by your Board, the Department will return with an amended Master Schedule of Fees to recover the full cost of providing these services.

DISCUSSION:

On September 18, 2018, Governor Jerry Brown signed Assembly Bill (AB) 626 (effective January 1, 2019).

The bill amended the California Health and Safety Code to include MEHKOs as a new type of retail food facility operated by a resident in their private dwelling where food is stored, handled, prepared, and served to consumers. The bill also established requirements for internet food service intermediaries (IFSI), which facilitate the sale of home cooked consumables through online or mobile platform. MEHKO operators may use IFSIs to advertise and sell their food. IFSIs are required to obtain a register with the California Department of Public Health - Food and Drug Branch prior to advertising or promoting MEHKOs on their internet website or mobile application.

If enacted into County Ordinance, MEHKOs will provide low barrier pathways to create income and small business development, expand food access and cultural diversity, and allows the Department to permit and inspect homes and food sales previously unregulated. The County of Fresno's proposed approval of the amended Ordinance to opt in to a MEHKO pilot program will place the requirement of certain enforcement actions (e.g., code enforcement or noise complaints) upon the city jurisdictions where the MEHKO is located.

On February 15, 2024, DPH received a grant award notification from the California Conference of Directors of Environmental Health (CCDEH) in the amount of \$155,451.75. The grant award was brought before the Board and approved on June 18, 2024. The grant funding was to be used for direct support in planning for and/or implementing a MEHKO program, including program development, public outreach, staff training, offsetting permit fees and enforcement. These funds were not contingent upon the Board adopting a MEHKO ordinance. The MEHKO grant funds have been extended through August 31, 2026 as counties throughout California are still researching the impact of MEHKOs on existing Environmental Health Divisions. As of March 2026, only 18 of the 62 jurisdictions in California have opted into a MEHKO program.

MEHKOs would require additional oversight from DPH and County Code Enforcement staff, including those from the individual city jurisdiction in which the MEHKO is located. DPH oversight includes, but is not limited to, California Retail Food Code Enforcement, food safety, review of daily and weekly meals served, gross annual income verification, and investigation of foodborne illness complaints. County Code Enforcement oversight would include responses to nuisance complaints.

Approval of the recommended Fresno County Ordinance would introduce Chapter 8.51 in Title 8 Health and Safety, for a 2-year MEHKO pilot program for DPH's Environmental Health (EH) Division to determine the true impact of a new MEHKO program, evaluate the demand, safety outcomes, and administrative costs to the Department. DPH would recommend a ramp-up period to provide community education and training and to prepare the inspection processes and workflow with an official pilot start date of January 1, 2027. Without further Board action to enact a permanent MEHKO program, the pilot program will sunset as of December 31, 2028.

On October 7, 2019, AB 377 introduced minor changes to AB 626 and granted counties full discretion to authorize MEHKOs within their jurisdiction. This bill limited MEHKOs to selling no more than 30 meals per day and no more than 60 meals per week and placed a cap of \$50,000 on gross annual sales.

On July 21, 2023, AB 1325 went into effect, increasing the cap on meal sales to 90 per week and gross annual sales to \$100,000 (*adjusted annually based on the California Consumer Price Index*). Additionally, the bill defines a "meal" as the amount or quantity of food that is intended to be consumed by one customer in one sitting. A meal may include one or more of any of the following: main dish, appetizers, side dishes, beverages, baked goods, and desserts.

If the Ordinance is approved, the Department's Master Schedule of Fees will require updates, with approval from your Board, to include MEHKO permit fees to cover the estimated cost to inspect and permit these new facilities.

If the recommended actions are approved by your Board, the second hearing will be held on June 30, 2026.

REFERENCE MATERIAL:

BAI 62, June 18, 2024

ATTACHMENTS INCLUDED AND/OR ON FILE:

Ordinance (Chapter 8.51)

On file with Clerk - Summary of Ordinance

CAO ANALYST:

Ronald W. Alexander, Jr.