Rules and Regulations

Shared Kitchens
Chicago Board of Health Rules and Regulations
for
Shared Kitchens

By authority vested in the Chicago Board of Health pursuant to Section 2-112-100 of the Municipal Code of Chicago, the following rules and regulations regarding shared kitchens are adopted herein.

Rule 1. Definitions.

The following definitions shall apply for purposes of these Rules:

“Department” means the City of Chicago Department of Public Health.

The terms “additional food preparation equipment”; “equipment”; “food safety operations” or “food safety requirements”; “local Health Protection Grant”; “potentially hazardous food”; “shared kitchen licensee” and “Shared kitchen user (user)” shall have the meanings ascribed to these terms in Section 4-8-038 of the Municipal Code of Chicago.

The terms “shared kitchen” and “shared kitchen user” or “user” shall have the meanings ascribed to these terms in Section 4-8-010 of the Municipal Code of Chicago.

Rule 2. Application and licensure

A. Shared kitchen licensee: An applicant for a shared kitchen or shared kitchen – supplemental license must undergo a consultation with a representative of the department and must have an onsite inspection performed by the department, prior to issuance of the license.

1. The consultation shall include a review of the following:
   a. Proposed business practices.
   b. The type of equipment to be used within the facility.
   c. Food safety operations.

2. The onsite inspection shall not be required if within the 12-month period prior to submitting an application for a shared kitchen – supplemental license, the applicant passed its most recent health inspection.

B. Shared kitchen user: An individual or entity applying for a shared kitchen user license must undergo a consultation with a representative of the department prior to issuance of the license.

1. The consultation will include a review of the following:
   a. Proposed business practices.
b. The type of equipment to be used by the user, including any additional food preparation equipment.

c. Food safety operations.

d. Proposed menu, to include a list of all food items that the user intends to prepare, store, taste test, develop, package or otherwise handle or use for food-related purposes.

2. As part of this consultation, the entity will be required to provide the following:

a. A City of Chicago Food Service Sanitation Manager Certificate in the licensee’s name or in the name of an employee of the licensee, if the licensee intends to prepare, taste, handle, package, prepare for storage, serve or otherwise use potentially hazardous food.

b. Name and address of the shared kitchen(s) the user intends to lease space from.

c. The license number of the shared kitchen(s) the user intends to lease space from.

d. Signed statement of intent, or lease, from the owner or operator of each licensed shared kitchen that the applicant intends to lease space from including the start date and end date (if applicable) to which such authorization applies.

3. Based on the information provided, the department will assess and assign a risk-level to the shared kitchen user. That risk-level will be based on criteria provided in Rule 6 of these rules and regulations. Additionally, the department will review its records on the licensed shared kitchen(s) to confirm it is properly licensed and capable of supporting the proposed practices. If the menu is approved, the department will write “approved” on the menu and sign and date it. The original will become part of the user’s file maintained by the department and a copy will be provided to the user.

4. Additional requirements:

Any user who intends to sell food at wholesale or otherwise require a state-issued license or pass a state inspection must present evidence of such licensure and/or passage of such inspection at the time of their application for a user license.

Rule 3. Evidence of licensure – shared kitchen user

A. If a shared kitchen user has one or more employees, such employee(s) may work at the shared kitchen without the licensed user on the premises if all of the following requirements are met:

1. At least one employee who possesses a City of Chicago Food Service Sanitation Manager Certificate is present when potentially hazardous foods are being prepared, tasted, handled, packaged, prepared for storage, served or otherwise used.

2. The shared kitchen licensee keeps a copy of the following in the shared kitchen user’s file:
a. A copy of the shared kitchen user’s badge.

b. The name and contact information (including home address and telephone number) of all employees (paid or unpaid), along with the date and times that all employees worked. Such records shall be maintained for a period of at least 60 days after the date of entry of such record.

c. The City of Chicago Food Service Sanitation Manager Certificate(s) for the employee(s) who are on premises in lieu of the licensed user.

Rule 4. Inspection

A. Shared kitchen users are not themselves subject to periodic inspections. However, shared kitchen users may be inspected by a representative of the department while the department is conducting a periodic inspection of the shared kitchen, conducting an inspection in response to any complaint made against the shared kitchen or any other user of the shared kitchen or conducting an inspection as part of an investigation of a suspect food poisoning linked to the shared kitchen or any user of the shared kitchen.

Rule 5. Change in menu

A. A user must obtain approval from the department prior to making changes to a previously-approved menu, if any of these changes results in an increased risk of a food-borne illness as defined by a change from a low-risk activity to a medium or high-risk activity or by a change from a medium-risk activity to a high-risk activity:

1. Low-risk activity:
   a. Serve or provide only pre-packaged food.
   b. Serve potentially hazardous foods that are commercially pre-packaged in an approved processing facility.
   c. Prepare non-potentially hazardous foods and beverages on a limited basis.
   d. Serve beverages only.

2. Medium-risk activity:
   a. Prepare food from raw ingredients using minimal assembly.
   b. Hold hot or cold foods at required temperatures for no more than 12 hours and serve the food on the same day as it is prepared.
   c. Obtain food that requires complex preparation from an approved food processing plant, high risk food service facilities or retail food stores.
3. High-risk activity:
   a. Cool potentially hazardous foods that have been prepared or heated as part of the food handling operation.
   b. Prepare and hold hot or cold food for more than 12 hours before serving.
   c. Extensively handle raw ingredients or have bare hand contact with ready-to-eat food.
   d. Reheat potentially hazardous foods which have been previously cooked and cooled.
   e. Prepare food for off premises service which time/temperature requirements during transportation, holding and service is relevant.
   f. Serve immuno-compromised individuals, where these individuals compromise the majority of the consuming population.

B. A user must also obtain approval from the department prior to incorporating any of the following food preparation practices:
   1. Reduced Oxygen Packaging (ROP).
   2. Smoking or curing.
   3. Vacuum packaging.
   4. Any other practice requiring a license and/or inspection by the state.

C. Approval for menu change can be obtained by providing a copy of the previously-approved menu with the changes indicated (if the user is incorporating any new food preparation practices as listed above or any practice requiring a license and/or inspection by the state, they must present documentation of such approval). Changes can be submitted to the department via mail, fax or email, along with the name and address of the shared kitchen where the user intends to prepare these new menu items. A representative of the department will review the changes within 2 business days to determine if the shared kitchen can accommodate the proposed changes. If the menu is approved, the department will write “approved” on it and sign and date it. The original will become part of the user’s file maintained by the department and a copy will be sent to the user. If not approved, the department representative will contact the user and state the reason for the disapproval.

Rule 6. Labeling requirements

A. A shared kitchen user who pre-packages food in advance of sale must comply with all applicable requirements set forth in 77 Ill. Adm. Code 750.110(g), as amended, regarding labeling of product. This includes:
   1. The common and/or usual name of the product.
2. The business name, the business phone number and business website (if any) of the shared kitchen user, along with the city, state and zip code of the shared kitchen where the product was prepared or packaged.

3. The net contents of the package.

4. A list of ingredients in the order of their predominance by weight with ingredients shown by their common or usual name.

5. A list of any artificial color, artificial flavor or preservative used.

Adopted on __________, 2012; published on __________, 2012; and shall become effective on __________, 2012.