

**MA DPH Weblink:** [Potluck events advisory | Mass.gov](http://www.mass.gov/dph/potluck-events-advisory)

## **Potluck events advisory**

### **Implementation of Chapter 230 of the Acts of 2014, “An Act Relative to Potluck Events” (October 2014)**

On August 5, 2014, An Act Relative to Potluck Events was signed into law. Under certain conditions, the law exempts food brought to a potluck event from regulation by the Department of Public Health (DPH) or by any local board of health (LBOH). To implement the law, DPH is providing guidance to LBOHs.

Under Chapter 230 of the Acts of 2014, all the following conditions must be met for the event to be considered a “potluck event”:

- People must be gathered to share food at the event;
- no compensation may be provided for bringing food to the event;
- the event is sponsored by a group of individuals or by a religious, charitable or nonprofit organization;
- the event may not be conducted for commercial purposes, but money may be collected to support the religious, charitable or nonprofit organization; and
- the participants at the event must be informed that neither the food nor the facilities have been inspected by the state or by a local public health agency.

A business establishment dealing in the sale of food may not sponsor a potluck event. Additionally, food from a potluck event shall not be brought into the kitchen of a business establishment dealing in the sale of food. If all of these qualifications are met, the event constitutes a “potluck event” under Massachusetts law and food brought to the event for consumption is exempt from regulation by DPH or by an LBOH.

It is important to note that under the law, participants at the event must be informed that neither the food nor the facilities have been inspected by the state or by a local public health agency for the event to qualify as a “potluck event” and be exempt from regulation DPH or by any LBOH. Participants do not have to be members of the sponsoring organization for the event to be considered a “potluck event.”

DPH also notes that the most commonly-reported food preparation practices that contribute to food borne illness are improper holding temperatures, poor personal hygiene, inadequate cooking, contaminated equipment, and food from unsafe sources. For additional information on food safety, organizations looking to conduct potluck events may wish to consult the USDA’s publication *[Cooking for Groups: A Volunteer’s Guide to Food Safety](#)*.

### **105 CMR 590:**

#### **590.008: Compliance and Enforcement:**

**8-304.35 Pot Luck Events.** A valid permit to operate is not required when a potluck event meets all of the requirements of M.G.L. c. 94, § 328A, including that participants at the event must be informed that neither the food nor the facilities have been inspected by the state or by a local public health agency.

### **M.G.L. c. 94, § 328A:**

**Section 328A:** Potluck events; exemption from regulation by department of public health or local board of health

Section 328A. For the purposes of this section, "potluck event" shall mean an event that meets all of the following conditions: (1) people are gathered to share food at the event; (2) there is no compensation provided to people for bringing food to the event; (3) the event is not conducted for commercial purposes; and (4) the participants at the event shall be informed that neither the food nor the facilities have been inspected by the state or a local public health department.

Notwithstanding any general or special law to the contrary, neither the department of public health nor any local board of health shall regulate the serving of food that is brought to a potluck event sponsored by a group of individuals or by a religious, charitable or nonprofit organization by individuals attending the potluck event for consumption at the potluck event. Individuals who are not members of the group or organization sponsoring the potluck event may attend the potluck event and consume the food at the event. A business establishment dealing in the sale of food items shall not sponsor a potluck event. Potluck event food shall not be brought into the kitchen of a business establishment dealing in the sale of food.