

Code of Massachusetts Regulations
105 CMR - DEPARTMENT OF PUBLIC HEALTH
Title 105 CMR 590.000 - State Sanitary Code Chapter X: minimum
Sanitation Standards For Food Establishments
Section 590.013 - Vending Machines

Universal Citation: [105 CMR 590.000 MA Code of Regs 590.013](#)

Current through Register 1459, December 24, 2021

(A) License.

- (1) No person shall conduct a vending machine operation without a license issued by the Commissioner.
- (2) A license shall expire no later than one year from the date issued.
- (3) A license may be renewed by applying at least 30 days prior to the expiration of the license.

(B) License: Application.

- (1) Any person desiring to conduct a vending machine operation shall make written application for a license to the Commissioner on a form provided by him. The application shall state whether the applicant is an individual, partnership, corporation or other entity; the name and address of the applicant, and if the applicant is a partnership, the name and address of each partner. The application shall also state the address of the applicant's principal place of business; of each preparation area servicing more than one building in which vending machines are located; and of each food storage area where food is stored for use in more than one building in which vending machines are located. The application shall also state the total number of vending machines owned by the applicant and in use at all machine locations. The application shall be signed by the applicant under the pains and penalties of perjury.
- (2) The applicant shall forward to the Department a list of the names and addresses of suppliers from whom he or she purchases time/temperature control for safety food for direct use in vending machines.

(C) License: Issuance, Inspection, Fees. Upon receipt of an application for a new license, the Commissioner or his or her agent shall make an inspection of the preparation area; of supply storage, servicing, cleaning and sanitizing facilities; of transport facilities; and of representative equipment and machine locations to determine compliance with the provisions of 105 CMR 590.000 and with the applicable provisions of M.G.L. c. 94. The Commissioner, after determining compliance by the operator and upon receipt of the appropriate fee, shall issue a license to conduct a vending machine operation. Such license shall not be transferable.

(D) License: Display of Operator's License Number. An easily readable label or sign bearing the operator's license number, company name, and service telephone number shall be conspicuously displayed at each machine location.

(E) Operator's List of Vending Machine Locations and Preparation Areas. Each licensee shall keep a list of all locations within the Commonwealth wherein vending machines are operated by him or her and of all preparation areas servicing such vending machines. Such information shall be available to the Commissioner or his or her agent upon request.

(F) Inspection of Vending Machines, Premises and Preparation Areas. The Commissioner or his agent may, after presenting proper identification, enter, at any reasonable time, any premises wherein vending machines are operated, or any preparation area servicing such machines for the purpose of inspecting the same. The licensee shall make provision for the Commissioner or his agent to have access, either in company with an employee of the operator or otherwise, to the interior of any vending machine operated by him.

(G) Food Establishments outside the Commonwealth Servicing Vending Machines within the Commonwealth. Food, beverages and ingredients processed and prepared in food establishments or food processing plants outside the Commonwealth may be sold in vending machines within the Commonwealth if such establishments conform to the provisions of the law governing such establishments within the Commonwealth, and if the operator of said vending machines is licensed under 105 CMR 590.000. To determine the extent of compliance with such provisions, the Commissioner or his or her agent may accept reports from the responsible authority in such jurisdictions outside the Commonwealth where such food service, retail food or food processing plants are located.

(H) Enforcement. 105 CMR 590.014 through 590.021 are applicable to vending machines except to the extent that the FC-regulatory authority shall be the Department.

105 CMR 590.013

Amended by Mass Register Issue 1375, eff. 10/5/2018.

This section was updated on 10/6/2018 by overlay.

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