

**DIVISION 104. ENVIRONMENTAL HEALTH**

**PART 7. RETAIL FOOD**

**CHAPTER 1. DEFINITIONS (RESERVED)**

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*(Revised effective January 1, 2004)*

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## **Article 1. General Provisions**

### ***113700. Chapter Title***

This chapter shall be known and may be cited as the California Uniform Retail Food Facilities Law.

### ***113705. Legislative Intent to Preempt Local Standards***

The Legislature finds and declares that the public health interest requires that there be uniform statewide health and sanitation standards for retail food facilities to assure the people of this state that food will be pure, safe, and unadulterated. It is the intention of the Legislature to occupy the whole field of health and sanitation standards for these food facilities, and the standards set forth in this chapter and regulations adopted pursuant to its provisions shall be exclusive of all local health and sanitation standards relating to these facilities.

### ***113710. Authority to Adopt Regulations***

The State Department of Health Services shall adopt regulations to implement and administer the provisions of this chapter.

### ***113715. Authority to Establish Local Requirements***

Nothing in this chapter shall prohibit a local governing body from adopting an evaluation or grading system for food facilities, from prohibiting any type of food facility, from adopting an employee health certification program, or from regulating the provision of patron toilet and hand washing facilities.

### ***113716. Minimum Standards of Knowledge in Food Safety***

(a) (1) On or before January 1, 2000, each food facility shall have an owner or employee who has successfully passed an approved and accredited food safety certification examination. For purposes of this section, multiple contiguous food facilities permitted within the same site and under the same management, ownership, or control shall be deemed to be one food facility, notwithstanding the fact that the food facilities may operate under separate permits.

(2) The Legislature finds and declares that the certification required by this section may impose hardship on the owners and operators of smaller food facilities and, therefore, to the extent that a person who is seeking certification pursuant to this section requires training in order to successfully pass an approved and accredited food safety certification examination, this training shall be designed and provided in as flexible a manner as possible. To that end, the Legislature further finds and declares that this training may include, but need not be limited to, classroom training, home study programs, and computer-assisted training.

(b) On and after January 1, 2000, a food facility that commences operation, changes ownership, or no longer has a certified owner or employee pursuant to this section shall have 60 days to comply with subdivision (a).

(c) There shall be at least one certified owner or employee at each food facility.

No certified person at a food facility for purposes of subdivision (a) may serve at any other food facility as the person required to be certified pursuant to this section. The certified owner or employee need not be present at the food facility during all hours of operation.

(d) The responsibilities of a certified owner or employee at a food facility shall include the safety of food preparation and service, including ensuring that all employees who handle, or have responsibility for handling, unpackaged foods of any kind have sufficient knowledge to ensure the safe preparation or service of the food, or both. The nature and extent of the knowledge that each employee is required to have may be tailored, as appropriate, to the employee's duties related to food safety issues.

(e) The food safety certificate issued pursuant to this section shall be retained on file at the food facility at all times, and shall be made available for inspection by the health enforcement officer.

(f) The issuance date for each original certificate issued pursuant to this section shall be the date when the individual successfully completes the examination. A certificate shall expire three years from the date of original issuance. Any replacement or duplicate certificate shall have as its expiration date the same expiration date that was on the original certificate.

(g) Certified individuals shall be recertified every three years by passing an approved and accredited food safety certification examination.

(h) On or before March 1, 1999, enforcement agencies shall notify all permitted food facilities subject to this section of the new legal obligation imposed by this section and provide to them the names and contact addresses for all approved and accredited food safety certification examinations.

(i) The food safety certification examination shall include, but need not be limited to, the following elements of knowledge:

(1) Foodborne illness, including terms associated with foodborne illness, microorganisms, hepatitis A, and toxins that can contaminate food and the illness that can be associated with contamination, definition and recognition of potentially hazardous foods, chemical, biological, and physical contamination of food, and the illnesses that can be associated with food contamination, and major contributing factors for foodborne illness.

(2) The relationship between time and temperature with respect to foodborne illness, including the relationship between time and temperature and microorganisms during the various food handling, preparation, and serving states, and the type, calibration, and use of thermometers in monitoring food temperatures.

(3) The relationship between personal hygiene and food safety, including the association of hand contact, personal habits and behaviors, and food worker health to foodborne illness, and the recognition of how policies, procedures, and management contribute to improved food safety practices.

(4) Methods of preventing food contamination in all stages of food handling, including terms associated with contamination and potential hazards prior to, during, and after delivery.

(5) Procedures for cleaning and sanitizing equipment and utensils.

(6) Problems and potential solutions associated with facility and equipment design, layout, and construction.

(7) Problems and potential solutions associated with temperature control, preventing cross-contamination, housekeeping, and maintenance.

(j) (1) Except as otherwise provided in paragraph (2), tests, utilizing forms recognized by the Conference on Food Protection, of the following food safety certification examination providers shall be deemed to be approved and accredited for purposes of this section:

(A) The National Restaurant Association Educational Foundation's ServSafe Food Protection Manager Certification Examination.

(B) Experior Assessments LLC.

(C) The National Registry of Food Safety Professionals.

(D) The certifying board of the Dietary Managers' Association.

(2) (A) On or before January 1, 2000, the department, in consultation with the California Conference of Directors of Environmental Health (CCDEH), the Conference for Food Protection, representatives of the retail food industry, and other interested parties, shall develop regulations to approve and accredit additional equivalent food safety certification examinations and to disapprove and eliminate accreditation of food safety certification examinations.

(B) Commencing January 1, 1999, at least one of the accredited statewide food safety certification examinations shall cost no more than sixty dollars (\$60), including the certificate. However, commencing January 1, 2000, the department may adjust the cost of food safety certification examinations to reflect actual expenses incurred in producing and administering the food safety certification examinations required under this section. If a food safety certification examination is not available at the price established by the department, the certification and recertification requirements relative to food safety certification examinations imposed by this section shall not apply.

(k) (1) For purposes of this section, a food facility includes only the following:

(A) A food establishment, as defined in Section 113780, at which unpackaged foods are prepared, handled, or served.

(B) A mobile food preparation unit, as defined in Section 113815.

(C) A stationary mobile food preparation unit, as defined in Section 113890.

(D) A commissary, as defined in Section 113750.

(2) (A) Notwithstanding paragraph (1), this section shall not apply to the premises of a licensed winegrower or brandy manufacturer utilized for winetastings conducted pursuant to Section 23356.1 of the Business and Professions Code of wine or brandy produced or bottled by, or produced and packaged for, that licensee.

(B) Notwithstanding paragraph (1), this section shall not apply to those food facilities that handle only unpackaged, nonpotentially hazardous foods. Those facilities may choose to meet the requirements through full certification, or may adequately demonstrate to the enforcement officer the knowledge of the employees of the food facility of food safety principles as they relate to the specific food operation.

(3) Notwithstanding paragraph (1), this section shall not apply to a food facility operated by a school district, county office of education, or community college district if the district or office elects to be regulated by the food safety program of the city, county, or city and county in which the school district, county office of education, or community college district is located.

(l) For purposes of this section, the following definitions apply:

(1) "Food safety program" means any city, county, or city and county program that requires, at a minimum, either of the following:

(A) The training of one or more individuals, whether denominated as "owners," "managers," "handlers," or otherwise, relating in any manner to food safety issues.

(B) Individuals to pass a food safety certification examination.

(2) "Food handler program" means any city, county, or city and county program that requires that all or a substantial portion of the employees of a food facility who are involved in the preparation, storage, service, or handling of food products to engage in food safety training or pass a food safety certification examination, or both.

(m) (1) Any provisions of a food safety program in effect prior to January 1, 1999, that require training or a certification examination, or both, shall be deemed to satisfy the requirements of this chapter until January 1, 2001, at which time these provisions shall fully conform with the requirements of this chapter. However, all provisions of a food safety program in effect prior to January 1, 1999, that do not pertain to training or a certification program shall conform with the requirements of this chapter by January 1, 2000.

(2) On and after January 1, 1999, a food safety program that was not in effect prior to that date may not be enacted, adopted, implemented, or enforced, unless the program fully conforms with the requirements of this chapter.

(n) No city, county, or city and county may enact, adopt, implement, or enforce any requirement that any food facility or any person certified pursuant to this section do any of the following:

(1) Obtain any food safety certificate or other document in addition to the certificate required by this section.

(2) Post, place, maintain, or keep the certificate required by this section other than as specified in subdivision (e).

(3) Pay any fee or other sum as a condition for having a certificate verified, validated, or otherwise processed by the city, county, or city and county.

(o) Certification conferred pursuant to this chapter shall be recognized throughout the state. Nothing in this chapter shall be construed to prohibit any local enforcement agency from implementing or enforcing a food handler program, as defined in paragraph (2) of subdivision (l) that took effect prior to January 1, 1998, but only in the form in which the program existed prior to January 1, 1998.

(p) Notwithstanding Section 113935, a violation of this section shall not constitute a misdemeanor, but shall constitute grounds for permit suspension or revocation, in accordance with Article 5 (commencing with Section 113950).

### **113720. References to Previous Laws**

In all laws and regulations, references to Chapter 6 (commencing with Section 28190), Chapter 11 (commencing with Section 28520), and Chapter 14 (commencing with Section 28800), of Division 22 of the Health and Safety Code, or to the California Bakery Sanitation Law, the California Restaurant Act, and the Retail Food Production and Marketing Establishments Law, shall mean this Chapter or the California Uniform Retail Food Facilities Law.

**113725. Primary Responsibility for Enforcement**

Primary responsibility for enforcement of the provisions of this chapter shall be with local health agencies. Nothing in this chapter shall prevent the department from taking any necessary program or enforcement actions for the protection of the public health and safety.

Whenever the enforcement of the requirements of this chapter by any local enforcement agency is satisfactory to the department, the enforcement of the provisions of this chapter shall not be duplicated by the department. The department may investigate to determine satisfactory enforcement of this chapter by a local enforcement agency.

**113730. Compliance with Building Codes**

Any construction, alteration, remodeling, or installation of equipment in a food establishment pursuant to this chapter shall be in accordance with applicable building codes and shall be approved by the enforcement officer.

**113731. Department of Health Services Cost Recovery**

(a) Any person requesting the department to undertake any activity pursuant to Section 113845, 114056, 114065, paragraph (2) of subdivision (c) of Section 114090, 114140, subdivision (b) of Section 114290, or 114367 shall pay the department's costs incurred in undertaking the activity. The department's services shall be assessed at the rate of fifty-five dollars (\$55) per hour, and it shall be entitled to recover any other costs reasonably and actually incurred in performing those activities, including, but not limited to, the costs of additional inspection and laboratory testing. For purposes of this section, the department's hourly rate shall be adjusted annually in accordance with Section 100425.

(b) The department shall provide to the person paying the required fee a statement, invoice, or similar document that describes in reasonable detail the costs paid.

(c) For purposes of this section only, the term "person" does not include any city, county, city and county, or other political subdivision of the state or local government.

**113732. Enforcement of Potable Water Standards**

The enforcement agency may monitor and enforce the potable drinking water standards in the California Safe Drinking Water Act (Chapter 4 (commencing with Section 116275)) for purposes of enforcing this chapter and compliance with any requirements with regard to potable water, as defined in Section 113843.

**113733. Transportation of Animal Byproducts**

(a) All animal byproducts and inedible kitchen grease disposed of by any food facility, except restaurants, shall be transported by a renderer licensed under Section 19300 of the Food and Agricultural Code, or a registered transporter of inedible kitchen grease, licensed under Section 19310 of the Food and Agricultural Code. Nothing in this section prevents a food facility from transporting its own animal byproducts in its

own vehicles to a central collection point. For the purposes of this section, inedible kitchen grease does not include grease recovered from an interceptor.

(b) "Restaurant," as used in this section, means any coffeeshop, cafeteria, short-order cafe, luncheonette, tavern, cocktail lounge, sandwich stand, soda fountain, private and public school cafeteria or eating establishment, in-plant or employee eating establishment, studio facility, dinnerhouse, delicatessen, commissary, hotel or motel food service operation, and any other eating establishment, organization, club, including veterans' club, boardinghouse, guesthouse, or political subdivision, that gives, sells, or offers for sale, food to the public, guests, patrons, or employees, as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering functions.

## **Article 2. Definitions**

### **113735. Adulteration**

"Adulterated" means food that bears or contains any poisonous or deleterious substance that may render the food impure or injurious to health. Food is also adulterated if it is manufactured, prepared, or stored in a manner that deviates from an HACCP plan as defined in Section 113797 and adopted pursuant to Section 114055 or 114056 so as to pose a discernible increase in hazard risk.

### **113740. Approved**

(a) "Approved" means acceptable to the enforcement agency based on a determination of conformity with applicable laws, or, in the absence of applicable laws, current public health principles, practices, and generally recognized industry standards that protect public health.

(b) "Approved source" means a producer, manufacturer, distributor, transporter, or food establishment that is acceptable to the enforcement agency based on a determination of conformity with applicable laws, or, in the absence of applicable laws, with current public health principles and practices, and generally recognized industry standards that protect public health.

### **113745. Certified Farmers' Market**

"Certified farmers' market" means a location certified by the county agricultural commissioner and operated as specified in Article 6.5 (commencing with Section 1392) of Title 3 of the California Code of Regulations.

### **113746. Comminuted**

"Comminuted" means reduced in size by methods including chopping, flaking, grinding, or mincing. Comminuted includes fish and other animal products that are reduced in size and restructured or reformulated including, but not limited to, gefilte fish, formed roast beef, gyros, ground beef, and sausage; and a mixture of two or more types of those products that have been reduced in size and combined, including, but not limited to, sausages made from two or more of those products.

**113750. Commissary**

"Commissary" means a food establishment in which food, containers, equipment, or supplies are stored or handled, food is prepared or prepackaged for sale or service at other locations, utensils are cleaned, liquid or solid wastes are disposed of, or potable water is obtained, for use in mobile food facilities, mobile food preparation units, stationary mobile food preparation units, or vending machines.

**113750.1 Community Event**

"Community event" means an event that is of a civic, political, public, or educational nature, including state and county fairs, city festivals, circuses, and other public gathering events approved by the local enforcement agency.

**113751. Control Point**

"Control point" means any distinct procedure or step in receiving, storing, handling, preparing, displaying, or dispensing a food.

**113752. Critical Control Point**

"Critical control point" means a control point where any loss of control may result in an unacceptable health risk pertaining to a food.

**113753. Critical Limit**

"Critical limit" means the maximum or minimum value to which a physical, biological, or chemical parameter shall be controlled at a critical control point to minimize the risk that an identified food safety hazard may occur.

**113755. Employee**

"Employee" means any person working in a food facility covered by this chapter.

**113760. Enforcement Agency**

"Enforcement agency" means the department and all local health agencies.

**113765. Enforcement Officer**

"Enforcement officer" means the director, agents, or environmental health specialists appointed by the Director of Health Services, and all local health officers, directors of environmental health, and their duly authorized registered environmental health specialists and environmental health specialist trainees.

**113770. Equipment**

"Equipment" means all cooking units, hoods, cutting blocks, processing machines, tables, refrigerators, sinks, dish machines, steam tables and other items used in a food facility.

**113773. Fish**

"Fish" means fresh or saltwater finfish, molluscan shellfish, crustaceans, and other forms of aquatic animal life other than birds or mammals and includes any edible human food product derived in whole or in part from fish, including fish that has been processed in any manner.

**113775. Food**

"Food" means any raw or processed substance, ice, beverage, including water, or ingredient intended to be used as food, drink, confection, or condiment for human consumption.

**113776. Food Condiment**

"Food condiment" means nonpotentially hazardous relishes, spices, sauces, confections, or seasonings, that require no additional preparation, and that are used on a food item, including, but not limited to, ketchup, mustard, mayonnaise, sauerkraut, salsa, salt, sugar, pepper, or chile peppers.

**113777. Food Contact Surface**

"Food contact surface" means a surface of equipment or a utensil with which food normally comes into contact.

**113780. Food Establishment**

"Food establishment" means any room, building, or place, or portion thereof, maintained, used, or operated for the purpose of storing, preparing, serving, manufacturing, packaging, transporting, salvaging, or otherwise handling food at the retail level. "Food establishment" includes a restricted food service transient occupancy establishment, as defined in Section 113870.

"Food establishment" does not include a commercial food processing establishment as defined in Section 111955, at the wholesale level, a mobile food facility, vending machine, satellite food distribution facility, temporary food facility, open-air barbecue, certified farmers' market, stationary mobile food preparation unit, or mobile food preparation unit.

**113785. Food Facility**

(a) "Food facility" means all of the following:

(1) Any food establishment, mobile food facility, vending machine, produce stand, swap meet prepackaged food stand, temporary food facility, satellite food distribution facility, stationary mobile food preparation unit, mobile support unit, and mobile food preparation unit.

(2) Any place used in conjunction with the operations described in paragraph (1), including, but not limited to, storage facilities for food-related utensils, equipment, and materials.

(3) A certified farmers' market, for purposes of permitting and enforcement.

(b) "Food facility" does not include any of the following:

(1) A cooperative arrangement wherein no permanent facilities are used for storing or handling food, or a private home, church, private club, or other nonprofit association that gives or sells food to its members and guests at occasional events, as defined in Section 113825, or a for-profit entity that gives or sells food at occasional events, as defined in Section 113825, for the benefit of a nonprofit association, if the for-profit entity receives no monetary benefit, other than that resulting from recognition for participating in the event.

(2) Premises set aside for winetasting, as that term is used in Section 23356.1 of the Business and Professions Code and in the regulations adopted pursuant to that section, if no food or beverage is offered for sale for onsite consumption.

**113790. Food Preparation**

“Food preparation” means packaging, processing, assembling, portioning, or any operation that changes the form, flavor, or consistency of food, but does not include trimming of produce.

**113795. Frozen Food**

“Frozen food” means a food maintained at a temperature at which all moisture therein is in a solid state.

**113796. HACCP**

“HACCP” means Hazard Analysis Critical Control Point.

**113797. HACCP Plan**

“HACCP plan” means a written document that delineates the formal procedures for following the Hazard Analysis Critical Control Point principles that were developed by the National Advisory Committee on Microbiological Criteria for Foods and complies with the requirements of Section 114055.

**113798. HACCP Principles**

(a) “HACCP principles” means the seven basic steps of HACCP, as prescribed in subdivision (b).

(b) (1) The completion of hazard analysis identification by identifying the likely hazards to consumers presented by a specific food.

(2) The determination of critical control points in receiving, storage, preparation, display, and dispensing of a food.

(3) The setting of measurable critical limits for each critical control point determined.

(4) Developing and maintaining monitoring practices to determine if critical limits are being met.

(5) Developing and utilizing corrective action plans when failure to meet critical limits is detected.

(6) Establishing and maintaining a recordkeeping system to verify adherence to a HACCP plan.

(7) Establishing a system of audits to:

(A) Initially verify the effectiveness of the critical limits set and appropriateness of the determination of critical control points.

(B) Periodically verify the effectiveness of the HACCP plan.

**113799. Hazard**

“Hazard” means a biological, chemical, or physical property that may cause an unacceptable public health risk.

**113800. Hearing Officer**

“Hearing officer” means a local health officer, a director of environmental health, or his or her designee.

**113803. Hermetically Sealed Container**

“Hermetically sealed container” means a container that is designed and intended to be secure against the entry of microorganisms and, in the case of low-acid canned foods, to maintain the commercial sterility of its contents after processing.

**113805. Hot Dog**

“Hot dog” means a whole, cured, cooked sausage that is skinless or stuffed in a casing and that is also known as a frankfurter, frank, furter, wiener, red hot, vienna, bologna, garlic bologna, or knockwurst, and that may be served in a bun or roll.

**113810. Impound**

“Impound” means the legal control exercised by the enforcement officer over the use, sale, disposal, or removal of any food or equipment.

**113813. Injected**

“Injected” means manipulating a meat so that infectious or toxigenic microorganisms may be introduced from its surface to its interior through tenderizing with deep penetration or injecting the meat with, for example, juices, that may be referred to as “injecting,” “pinning,” or “stitch pumping.”

**113815. Mobile Food Preparation Unit**

“Mobile food preparation unit” means any mobile food facility or portable food service unit upon which food is prepared for service, sale, or distribution at retail. Mobile food preparation unit shall not include mobile food facilities from which prepackaged food or approved unpackaged food is sold or offered for sale as prescribed by Article 11 (commencing with Section 114250).

**113817. Mobile Support Unit**

“Mobile support unit” means a vehicle, used in conjunction with a commissary, that travels to, and services, mobile food facilities as needed to replenish supplies, including food and potable water, clean the interior of the unit, or dispose of liquid or solid wastes.

**113820. *Multiservice Utensil***

“Multiservice utensil” means a utensil manufactured and approved for use more than one time.

**113823. *Nonprofit Charitable Temporary Food Facilities***

"Nonprofit charitable temporary food facility" means either of the following:

(a) A temporary food facility, as defined in Section 113895, that is conducted and operated by a corporation incorporated pursuant to the Nonprofit Corporation Law (Div. 2 (commencing with Section 5000), Title 1, Corp. C.), that is exempt from taxation pursuant to paragraphs (1) to (10), inclusive, and paragraph (19) of Section 501 (c) of the Internal Revenue Code and Section 23701d of the Revenue and Taxation Code.

(b) An established club or organization of students that operates under the authorization of a school or educational facility.

**113825. *Occasional Event***

“Occasional event” means an event that occurs not more than three days in any 90-day period.

**113830. *Open-air Barbecue Facility***

"Open-air barbecue facility" means an unenclosed facility for barbecuing food, where the food is prepared out of doors by cooking directly over hot coals, heated lava, hot stones, gas flame, or other method approved by the state department, on equipment suitably designed and maintained for use out of doors, that is operated by a food establishment, temporary food facility, or stationary mobile food preparation unit, that is operated in full compliance with Article 9 (commencing with Section 114185).

**113831. *Outdoor Beverage Bars***

"Outdoor beverage bar" means an unenclosed facility operated on the same premises as, or in conjunction with, a fully enclosed food establishment where any alcoholic and nonalcoholic beverages are prepared out of doors.

**113835. *Permit***

“Permit” means a written authorization to operate issued by a local enforcement officer.

**113840. *Person***

“Person” means any individual, firm, partnership, joint venture, association, limited liability corporation, estate, trust, receiver, syndicate, city, county, or other political component, subdivision, or any other group or combination acting as a unit.

**113841. *Customer Access***

Customer access to a food establishment through the food preparation area is permissible, in the discretion of the permittee, if ready-to-eat foods are prepared in approved areas separated from sources of contamination by a space of at least three feet from the consumer and in areas that are separate from raw or undercooked

foods. The route of access shall be separated from the required space by a rail or wall at least three feet high or otherwise clearly delineated.

**113843. Potable Water**

“Potable water” means, for the purposes of this chapter, water that complies with the requirements for water from transient, noncommunity water systems under the California Safe Drinking Water Act.

**113844. Potable Water**

“Potable water” means water that complies with the standards for transient noncommunity water systems pursuant to the California Safe Drinking Water Act (Chapter 4 (commencing with Section 116275) of Part 12), to the extent permitted by federal law.

**113845. Potentially Hazardous Food**

“Potentially hazardous food” means food that is in a form capable of (1) supporting rapid and progressive growth of infectious or toxigenic microorganisms that may cause food infections or food intoxications, or (2) supporting the growth or toxin production of *Clostridium botulinum*. “Potentially hazardous food” does not include foods that have a pH level of 4.6 or below, foods that have a water activity (aw) value of 0.85 or less under standard conditions, food products in hermetically sealed containers processed to meet the commercial sterility standard, as defined in Section 113.3(e) of Title 21 of the Code of Federal Regulations, or food that has been shown by appropriate microbial challenge studies approved by the enforcement agency not to support the rapid and progressive growth of infectious or toxigenic microorganisms that may cause food infections or food intoxications, or the growth and toxin production of *Clostridium botulinum*.

**113847. Premises**

“Premises” means the food facility, its contents, and the contiguous land or property and its facilities and contents that are under the control of the permit holder that may impact food establishment personnel, facilities, or operations.

**113850. Produce**

“Produce” means any fruit or vegetable in its raw or natural state.

**113855. Produce Stand**

“Produce stand” means a food establishment that sells, offers for sale, or gives away only produce or shell eggs, or both.

**113857. Ready-to-eat Food**

“Ready-to-eat food” means food that is in a form that is edible without additional washing, cooking, or preparation by the food facility or the consumer and that is reasonably expected to be consumed in that form.

**113860. Refrigeration Unit**

"Refrigeration unit" means a mechanical unit that extracts heat from an area through liquification and evaporation of a fluid by a compressor, flame, or thermoelectric device, and includes a mechanical thermostatic control device that regulates refrigerated blown air into an enclosed area at or below the minimum required food storage temperature of potentially hazardous foods in conformance with Section 113995.

**113865. Remodel**

"Remodel" means construction, building, or repair to the food facility that requires a permit from the local building authority. For purposes of Article 11 (commencing with Section 114250), Article 12 (commencing with Section 114285), and Article 17 (commencing with Section 114358), remodel means any replacement or significant modification of an integral piece of equipment.

**113870. Restricted Food Service Transient Occupancy Establishment, Agricultural Home Stay**

(a) "Restricted food service transient occupancy establishment" means either of the following:

(1) An establishment of 20 guest rooms or less, that provides overnight transient occupancy accommodations, that serves food only to its registered guests, that serves only a breakfast or similar early morning meal, and no other meals, and with respect to which the price of food is included in the price of the overnight transient occupancy accommodation.

(2) An agricultural homestay establishment that meets all of the following requirements:

(A) Has not more than six guest rooms or accommodates not more than 15 guests.

(B) Provides overnight transient accommodations.

(C) Serves food only to its registered guests and serves meals at any time, and with respect to which the price of food is included in the price of the overnight transient occupancy accommodation.

(D) Lodging and meals are incidental and not the primary function of the agricultural homestay establishment.

(E) The agricultural homestay establishment is located on, and is a part of, a farm, as defined in Section 52262 of the Food and Agricultural Code, that produces agricultural products as its primary source of income.

(b) Notwithstanding subdivision (a), a restricted food service transient occupancy establishment may serve light foods or snacks presented to the guest for self-service.

(c) For purposes of this section, "restricted food service transient occupancy establishment" refers to an establishment as to which the predominant relationship between the occupants thereof and the owner or operator of the establishment is that of innkeeper and guest. For purposes of this section, the existence of some other legal relationships as between some occupants and the owner or operator shall be immaterial.

**113875. Retail**

“Retail” means the storing, preparing, serving, manufacturing, packaging, transporting, salvaging, or otherwise handling food for dispensing or sale directly to the consumer.

**113877. Sanitization**

“Sanitization” means the application of heat or approved chemical sanitizer on cleaned food contact surfaces.

**113880. Satellite Food Distribution Facility**

“Satellite food distribution facility” means either of the following:

(a) A location where only prepackaged, unit servings of food are distributed, that have been prepared or stored in an approved food facility operated by a school, governmental agency, or nonprofit organization.

(b) A stand, kiosk, cart, or other semi-permanent, remote, food-dispensing facility located within a defined and securable perimeter, including, but not limited to, an amusement park, stadium, arena, or enclosed shopping mall that operates a food establishment on the site.

**113885. Single Service Utensil**

“Single service utensil” means a utensil that is manufactured and approved for use only once and that shall be discarded after use.

**113890. Stationary Mobile Food Preparation Unit**

“Stationary mobile food preparation unit” means a mobile food preparation unit that operates at a state, county, district, or citrus fair or any approved occasional event and that remains in a fixed position during food preparation and its hours of operation.

**113895. Temporary Food Facility**

“Temporary food facility” means a food facility operating out of temporary facilities approved by the enforcement officer at a fixed location for a period of time not to exceed 25 consecutive or nonconsecutive days in any 90-day period in conjunction with a single, weekly, or monthly community event, as defined in Section 113750.1.

**113898. Utensil**

“Utensil” means any kitchenware, tableware, cutlery, glassware, container, implement, high chair tray, or other item with which food comes in contact during storage, transportation, display, preparation, serving, sale, or through use by an employee or consumer.

**113900. Mobile Food Facility**

“Mobile food facility” means any conveyance, used in conjunction with the service of a commissary or other approved facility upon which prepackaged food or approved nonprepackaged food is sold or offered for sale at retail. “Mobile food facility” does not include a mobile food preparation unit or a stationary mobile food preparation unit.

**113903. Vending Machine**

“Vending machine” means any self-service device that, upon insertion of money or tokens, dispenses food without the necessity of replenishing the device between each vending operation. “Vending machine” does not include any such device dispensing exclusively peanuts, nuts, popcorn, ballgum, or hard candy; prepackaged candy, cookies, crackers, or similar snacks and beverages that are not potentially hazardous as defined in Section 113845, and prepackaged ice.

**113905. Swap Meet Prepackaged Food Stand**

“Swap meet prepackaged food stand” means a food facility, other than a mobile food facility, operated at a swap meet, by a swap meet operator or its lessee, that offers for sale, or gives away, only prepackaged foods.

**113908. Prepackaged Food**

“Prepackaged food” means any properly labeled processed food, prepackaged to prevent any direct human contact with the food product upon distribution from the manufacturer, and prepared at a facility approved by the enforcement agency.

**113910. Swap Meet**

As used in this chapter, “swap meet” and “swap meet operator” shall have the meaning set forth in Section 21661 of the Business and Professions Code.

**Article 3. Plan Review and Permits****113915. Submission of Plans**

A person proposing to build or remodel a food facility shall submit complete, easily readable plans, drawn to scale, and specifications to the local enforcement agency for review and approval before starting any new construction or remodeling of any facility for use as a retail food facility as defined in this chapter. Plans and specifications may also be required by the local enforcement agency if it determines that they are necessary to assure compliance with the requirements of this chapter. The plans shall be approved or rejected within 20 working days after receipt by the local enforcement agency and the applicant shall be notified of the decision. Unless the plans are approved or rejected within 20 working days, they shall be deemed approved. The building department shall not issue a building permit for a food facility until after it has received plan approval by the local enforcement agency. Nothing in this section shall require that plans or specifications be prepared by someone other than the applicant.

**113920. Permit Requirements**

- (a) A food facility shall not be open for business without a valid permit.
- (b) A permit shall be issued by the local enforcement agency when investigation has determined that the proposed facility and its method of operation will conform to the requirements of this chapter. A permit, once issued, is nontransferable. A permit shall

be valid only for the person, location, type of food sales, or distribution activity approved and, unless suspended or revoked for cause, for the time period indicated.

(c) Any fee for the permit and related services shall be determined by the local governing body. Fees shall be sufficient to cover the actual expenses of administering and enforcing this program, including the expenses of inspecting and impounding any utensil suspected of releasing lead or cadmium in violation of section 108860 as authorized by Section 113930. All monies collected as fees shall be expended in carrying out the provisions of this chapter.

(d) A permit shall be posted in a conspicuous place in the food facility or in the office of the vending machine business.

### ***113923. Penalties for Operating without Permits***

Any person operating a food facility or conducting any itinerant food vending shall obtain all necessary permits to conduct business, including, but not limited to, a public health permit. In addition to the penalties prescribed under Article 4 (commencing with Section 113925), violators shall be subject to closure of the facility and a penalty not to exceed three times the cost of the public health permit.

## **Article 4. Enforcement and Inspection**

### ***113925. Authority of Enforcement Officers***

(a) Enforcement officers are charged with the enforcement of this chapter and all regulations adopted pursuant to it.

(b) (1) For purposes of enforcement of this chapter, any authorized enforcement officer may, during the facility's hours of operation and other reasonable times, enter, inspect, issue citations to, and secure any sample, photographs, or other evidence from, any of the following:

(A) Any food facility.

(B) Any facility suspected of being a food facility.

(C) Any vehicle transporting food to or from a retail facility, when the vehicle is stationary at an agricultural inspection station, a border crossing, or at any food facility under the jurisdiction of the enforcement agency, or upon the request of an incident commander.

(2) If a food facility is operating under an HACCP plan, as defined in Section 113797 and adopted pursuant to Section 114055 or 114056, the enforcement officer may, for the purpose of determining compliance with the plan, secure as evidence any documents, or copies of documents, relating to the facility's adherence to the HACCP plan.

(c) It is a violation of this chapter for any person to refuse to permit entry or inspection, the taking of samples or other evidence, or access to copy any record as authorized by this chapter, or to conceal any samples or evidence, or withhold evidence concerning them.

(d) A written report of the inspection shall be made and a copy shall be supplied or mailed to the owner, manager, or operator of the food facility.

**113930. Impound Authority**

(a) Based upon inspection findings or other evidence, an enforcement officer may do any of the following:

(1) Impound any food that is found to be, or suspected of being, contaminated or adulterated.

(2) Impound equipment or utensils that are found to be unsanitary or in such disrepair that food, equipment or utensils may become contaminated or adulterated, and inspect, impound, or inspect and impound any utensil that is suspected of releasing lead or cadmium in violation of Section 108860. The enforcement officer may attach a tag to such food, equipment or utensils that shall be removed only by the enforcement officer following verification that the condition has been corrected.

(b) No food, equipment, or utensils impounded pursuant to subdivision (a) shall be used unless the impoundment has been released.

(c) Within 30 days the enforcement agency that has impounded the food, equipment, or utensils pursuant to subdivision (a) shall commence proceedings to release the impounded material or to seek administrative or legal remedy for its disposition.

**113935. Misdemeanor Penalties**

Any person who violates any provision of this chapter or regulation adopted pursuant to this chapter is guilty of a misdemeanor. Each offense shall be punished by a fine of not less than twenty-five dollars (\$25) or more than one thousand dollars (\$1,000) or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment.

**113940. Responsibility of Management**

The owner, manager, or operator of any food facility is responsible for any violation by an employee of any provision of this chapter or any regulation adopted pursuant to this chapter. Each day the violation occurs shall be a separate and distinct offense.

**113945. Shared Responsibility**

A violation of any provision of this chapter or regulation adopted pursuant to this chapter relating to facilities held in common or shared by more than one food facility shall be deemed a violation for which the owner, manager, or operator of each food facility is responsible.

**113946. Criteria for food facility inspections**

(a) On or before January 1, 2002, the department shall establish, and each local health agency shall utilize, a standardized, food facility inspection format for food facility inspections that includes all of the following:

(1) The name and address of the food facility.  
(2) Identification of the following inspection criteria, which shall be the basis of the inspection report:

(A) Improper holding temperatures.

- (B) Inadequate cooking.
- (C) Poor personal hygiene of food handlers.
- (D) Contaminated equipment.
- (E) Food from unsafe sources.

(3) For each violation identified pursuant to paragraph (2), classification of the violation as a "minor violation" or "major violation." Major violations are those violations that pose an imminent risk to public health and warrant immediate closure of the food establishment or immediate correction. Minor violations are those that do not pose an imminent public health risk, but do warrant correction.

(b) A local health agency may modify the format to add criteria to the criteria specified pursuant to paragraph (2) of subdivision (a), provided both of the following conditions are met:

(1) The additional criteria are based on other provisions of this part.

(2) A violation is identified by reference to items and sections of this part, or the regulations adopted pursuant to this part relating to those items, if a food facility is cited for a violation of the additional criteria.

(c) A copy of the most recent inspection report shall be maintained at the food facility. The food facility shall post a notice advising patrons that a copy of the most recent inspection report is available for review by interested parties.

(d) The department and local health agencies shall conduct routine training on food facility inspection standardization to promote the uniform application of inspection procedures.

(e) This section shall not restrict the ability of a local health agency to inspect and report on matters other than matters subject to regulation under this chapter.

#### **113947. Department to establish standardized procedures**

(a) On or before January 1, 2002, the department, in consultation with local environmental health officers, representatives of the retail food industry, and other interested parties, shall establish standardized procedures for local health agencies to report the following food facility inspection information regarding each food facility:

- (1) Name and address.
- (2) Date of last inspection.
- (3) Identification of any major violation identified in a food facility inspection.
- (4) Reinspection date, if applicable.
- (5) Period of closure, if applicable.

(b) The department, in consultation with local environmental health officers, representatives of the retail food industry, and other interested parties, may periodically review and revise the standardized procedures established pursuant to subdivision (a). In making any revisions, the department shall strive to ensure that the required information can be reported and made available in the most efficient, timely, and cost-effective manner.

(c) (1) The standardized procedures established pursuant to this section shall include a standardized electronic format and protocol for reporting the food facility inspection data in a timely manner, and shall strive to ensure that the information is readily accessible, can be rapidly reported, and, if necessary, corrected, for each food

facility that has been inspected or reinspected. If the local health agency determines that reported information is materially in error, that error shall be corrected within 48 hours after that determination.

(2) The department may also establish standardized procedures for reporting the information on magnetic media, including, but not limited to, floppy disks or magnetic tape.

(d) Within 60 days after the department has established the standardized procedures pursuant to this section, the department shall publish these procedures.

(e) (1) Commencing July 1, 2002, each local health agency that reports food facility inspection information on an Internet web site shall report the information in accordance with the standardized procedures established pursuant to this section.

(2) This section shall not restrict the ability of a local health agency to report on matters other than matters subject to regulation under this chapter.

(f) The department may establish a link to each Internet web site utilized by any local health agency containing the food facility inspection information pursuant to subdivision (e).

## **Article 5. Permit Suspension or Revocation**

### ***113950. Permit Suspension or Revocation***

Any permit may be suspended or revoked by a local enforcement officer for a violation of this chapter. Any food facility for which the permit has been suspended shall close and remain closed until the permit has been reinstated. Any food facility for which the permit has been revoked shall close and remain closed until a new permit has been issued.

Whenever a local enforcement officer finds that a food facility is not in compliance with the requirements of this chapter, a written notice to comply shall be issued to the permittee. If the permittee fails to comply, the local enforcement officer shall issue to the permittee a notice setting forth the acts or omissions with which the permittee is charged, and informing him or her of a right to a hearing, if requested, to show cause why the permit should not be suspended or revoked. A written request for a hearing shall be made by the permittee within 15 calendar days after receipt of the notice. A failure to request a hearing within 15 calendar days after receipt of the notice shall be deemed a waiver of the right to a hearing. When circumstances warrant, the hearing officer may order a hearing at any reasonable time within this 15-day period to expedite the permit suspension or revocation process.

The hearing shall be held within 15 calendar days of the receipt of a request for a hearing. Upon written request of the permittee, the hearing officer may postpone any hearing date, if circumstances warrant such action.

### ***113955. Written Notice of Decision***

The hearing officer shall issue a written notice of decision to the permittee within five working days following the hearing. In the event of a suspension or revocation, the notice shall specify the acts or omissions with which the permittee is charged, and shall state the terms of the suspension or that the permit has been revoked.

**113960. Immediate Closure of a Food Facility**

(a) If any immediate danger to the public health or safety is found, unless the danger is immediately corrected, an enforcement officer may temporarily suspend the permit and order the food facility immediately closed. Immediate danger to the public health and safety means any condition, based upon inspection findings or other evidence, that can cause food infection, food intoxication, disease transmission, or hazardous condition, including, but not limited to, unsafe food temperature, sewage contamination, nonpotable water supply, or an employee who is a carrier of a communicable disease.

(b) Whenever a permit is suspended as the result of an immediate danger to the public health or safety, the enforcement officer shall issue to the permittee a notice setting forth the acts or omissions with which the permittee is charged, specifying the pertinent code section, and informing the permittee of the right to a hearing.

(c) At any time within 15 calendar days after service of a notice pursuant to subdivision (b), the permittee may request in writing a hearing before a hearing officer to show cause why the permit suspension is not warranted. The hearing shall be held within 15 calendar days of the receipt of a request for a hearing. A failure to request a hearing within 15 calendar days shall be deemed a waiver of the right to such hearing.

**113965. Grounds for Suspension or Revocation**

The enforcement agency may, after providing opportunity for a hearing, modify, suspend, or revoke a permit for serious or repeated violations of any of the requirements of this code or for interference in the performance of the duty of the enforcement officer.

**113970. Reinstatement of Permit**

A permit may be reinstated or a new permit issued if the enforcement agency determines that conditions which prompted the suspension or revocation no longer exist.

**Article 6. General Sanitation Requirements****113975. Scope**

This article governs general sanitation requirements for food facilities as defined in this chapter.

**113980. Protection from Contamination**

All food shall be manufactured, produced, prepared, compounded, packed, stored, transported, kept for sale, and served so as to be pure, free from contamination, adulteration, and spoilage; shall have been obtained from approved sources; shall otherwise be fully fit for human consumption; and shall conform to the applicable provisions of the Sherman Food, Drug, and Cosmetic Law (Part 5 (commencing with Section 109875)).

**113985. *Written Notice for Confections Containing Alcohol***

Any food facility that serves or sells over the counter directly to the consumer an unlabeled or unpackaged food that is a confectionery that contains alcohol in excess of 1/2 of one percent by weight shall provide written notice to the consumer of that fact. The notice shall be prominently displayed or be provided in some other manner, as determined by the department. The department shall adopt regulations to govern the notice required by this section in order to effectuate the purposes of this section.

**Article 7. Sanitation Requirements for Food Facilities****113990. *Scope***

This article governs sanitation requirements for food facilities as defined in this chapter.

**113995. *Holding Potentially Hazardous Foods***

(a) Except as otherwise provided in this section, all potentially hazardous food being transported to or from a retail food facility for a period of longer than 30 minutes, excluding raw shell eggs, shall be held at or below 7 degrees Celsius (45 degrees Fahrenheit) or shall be kept at or above 57.2 degrees Celsius (135 degrees Fahrenheit) at all times. Storage and display of raw shell eggs shall be governed by Sections 113997 and 114351.

(b) A retail food facility may accept potentially hazardous food at or below 7 degrees Celsius (45 degrees Fahrenheit), per subdivision (a), if the potentially hazardous food is cooled within four hours of receipt to a temperature at or below 5 degrees Celsius (41 degrees Fahrenheit).

(c) All potentially hazardous food shall be held at or below 5 degrees Celsius (41 degrees Fahrenheit) or shall be kept at or above 57.2 degrees Celsius (135 degrees Fahrenheit) at all times, except for the following:

(1) Unshucked live molluscan shellfish shall not be stored or displayed at a temperature above 7 degrees Celsius (45 degrees Fahrenheit).

(2) Frozen potentially hazardous foods shall be stored and displayed in their frozen state unless being thawed in accordance with Section 114085.

(3) Potentially hazardous foods held for dispensing in serving lines and salad bars during periods not to exceed 12 hours in any 24-hour period or held in vending machines may not exceed 7 degrees Celsius (45 degrees Fahrenheit). For purposes of this subdivision, a display case shall not be deemed to be a serving line.

(4) Pasteurized milk and pasteurized milk products in original, sealed containers shall not be held at a temperature above 7 degrees Celsius (45 degrees Fahrenheit).

(d) Potentially hazardous foods may be held at temperatures other than those specified in this section only under the following circumstances:

(1) While being heated or cooled.

(2) When the food facility operates pursuant to a HACCP plan adopted pursuant to Section 114055 or 114056.

(3) When time only, rather than time in conjunction with temperature, is used as the public health control for a working supply of potentially hazardous food before cooking, or for ready-to-eat potentially hazardous food that is displayed or held for service for immediate consumption, but only if all of the following conditions are met:

(A) The food shall be marked or otherwise identified to indicate the time that is four hours after the time when the food is removed from temperature control.

(B) The food shall be cooked and served, served if ready-to-eat, or discarded, within four hours after the time when the food is removed from temperature control.

(C) Food in unmarked containers or packages, or marked to exceed a four-hour time limit shall be discarded.

(D) Written procedures that ensure compliance with this paragraph and with Section 114002 for food that is prepared, cooked, and refrigerated before time is used as a public health control shall be maintained in the food facility and made available to the enforcement agency upon request.

(e) A thermometer accurate to plus or minus 1 degree Celsius (2 degrees Fahrenheit) shall be provided for each refrigeration unit, shall be located to indicate the air temperature in the warmest part of the unit and, except for vending machines, shall be affixed to be readily visible. Except for vending machines, an accurate easily readable metal probe thermometer suitable for measuring the temperature of food shall be readily available on the premises.

#### **113995.5. Korean Rice Cakes**

(a) Notwithstanding Sections 113995 and 114315 and if permitted by federal law, a food establishment may sell Korean rice cakes that have been at room temperature for no more than 24 hours.

(b) At the end of the operating day, Korean rice cakes that have been at room temperature for more than 24 hours, shall be destroyed in a manner approved by the local enforcement agency.

(c) For purposes of this section, a "Korean rice cake" is defined as a confection that contains rice powder, salt, sugar, various edible seeds, oil, dried beans, nuts, dried fruits, and dried pumpkin. The ingredients may not include any animal fats or any other products derived from animals. A Korean rice cake is prepared by using a traditional Korean method that includes cooking by steaming at not less than 275 degrees Fahrenheit, for not less than five minutes, nor more than 15 minutes.

(d) All manufacturers of Korean rice cakes shall place a label on the Korean rice cake as prescribed by Section 111223.

#### **113996. Lauren Beth Rudolph Food Safety Act of 1997**

(a) All ready-to-eat foods prepared at the food facility from raw or incompletely cooked animal tissue shall be thoroughly cooked prior to serving. For purposes of this subdivision, food shall be deemed to be thoroughly cooked if it conforms to the following requirements, except as specified in subdivision (b):

(1) Comminuted meat or any food containing comminuted meat shall be heated to a minimum internal temperature of 69 degrees Celsius (157 degrees

Fahrenheit), or an optional internal temperature of 68 degrees Celsius (155 degrees Fahrenheit) for 15 seconds.

(2) Eggs and foods containing raw eggs shall be heated to a minimum internal temperature of 63 degrees Celsius (145 degrees Fahrenheit).

(3) Pork shall be heated to a minimum internal temperature of 63 degrees Celsius (145 degrees Fahrenheit) for 15 seconds.

(4) Poultry, comminuted poultry, stuffed fish, stuffed meat, stuffed poultry, and any food stuffed with fish, meat, or poultry shall be heated to a minimum internal temperature of 74 degrees Celsius (165 degrees Fahrenheit).

(b) When foods containing raw or incompletely cooked animal tissue specified in this section are prepared in a microwave oven, they shall be heated at a minimum internal temperature of at least 74 degrees Celsius (165 degrees Fahrenheit) in all parts of the food.

During microwaving, the food shall be completely enclosed in a container to retain surface moisture, and periodically stirred or rotated to assure even heat distribution. Upon the completion of microwaving, the enclosed food shall be left standing for a minimum of two minutes to assure temperature equilibrium. This subdivision does not apply to the heating of ready-to-eat cooked foods or the defrosting of food items.

(c) A ready-to-eat salad dressing or sauce containing a raw or less-than-thoroughly cooked egg as an ingredient, and other ready-to-eat foods made from or containing eggs, comminuted meat, or single pieces of meat (including beef, veal, lamb, pork, poultry, fish, and seafood) that are raw or have not been thoroughly cooked as provided in subdivision (a) may be served if either of the following requirements are met:

(1) The consumer specifically orders that the food be individually prepared less than thoroughly cooked.

(2) The food facility notifies the consumer, orally or in writing, at the time of ordering, that the food is raw or less than thoroughly cooked.

(d) The department shall authorize alternative time and temperature minimum heating requirements to thoroughly cook the foods identified in this section when the food facility or person demonstrates to the department that the alternative heating requirements provide an equivalent level of food safety.

(e) For purposes of this section, "meat" means the tissue of animals used as food, including beef, veal, lamb, pork, and other edible animals, except eggs, fish, and poultry, that is offered for human consumption.

(f) It is the intent of the Legislature that the requirements of this section be uniformly enforced. The department shall train and provide guidance to local health departments to promote uniform enforcement of the requirements specified in this section.

### **113997. Holding of Raw Shell Eggs**

(a) Raw shell eggs shall be stored and displayed at an ambient temperature of 7 degrees Celsius (45 degrees Fahrenheit) or below.

(b) Notwithstanding subdivision (a), raw shell eggs may be stored and displayed unrefrigerated if all of the following conditions are met:

(1) Not more than four days have elapsed from the date of packing.

(2) The eggs were not previously refrigerated.

(3) The eggs are not stored or displayed at an ambient temperature above 32 degrees Celsius (90 degrees Fahrenheit).

(4) Retail egg containers are prominently labeled "REFRIGERATE AFTER PURCHASE" or a conspicuous sign is posted advising consumers that these eggs are to be refrigerated as soon as practical after purchase.

(5) Retail egg containers are conspicuously identified with the date of the packing.

(6) Any eggs that are unsold after four days from the date of the packing shall be stored and displayed pursuant to subdivision (a), diverted to pasteurization, or destroyed in a manner approved by the enforcement agency.

### **113998. Reheating of Foods**

(a) Whenever any potentially hazardous food, as defined in Section 113845, that has been prepared, cooked, and cooled by a food facility is thereafter reheated by that food facility for hot holding, it shall be reheated to a minimum internal temperature of 74 degrees Celsius (165 degrees Fahrenheit).

(b) Any potentially hazardous ready-to-eat food taken from a commercially processed, hermetically sealed container, or from an intact package from a food processing plant that is inspected by the food regulatory authority that has jurisdiction over the plant, shall be heated to a temperature of at least 57.2 degrees Celsius (135 degrees Fahrenheit) for hot holding. A minimum temperature shall not be required if the food described in this subdivision is prepared for immediate service.

#### **113998.1. Exemption for Commercially Processed Foods**

(a) Notwithstanding Section 113998, ready-to-eat potentially hazardous food taken from a commercially processed, hermetically sealed container or from an intact package from a food processing plant that is inspected by the food regulatory authority that has jurisdiction over the plant, shall be heated to a temperature of at least 60 degrees Celsius (140 degrees Fahrenheit) for hot holding. No minimum temperature is required if the food described in this section is prepared for immediate service.

(b) This section shall remain in effect only until January 1, 2001, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2001, deletes or extends that date.

#### **114000. Exemption for Chinese-style Roast Duck**

Raw duck, that otherwise would be readily perishable, shall be exempt from the provisions of Section 113995 for a period not to exceed two hours, if the duck will subsequently be cooked at or above a temperature of 177 degrees Celsius (350 degrees Fahrenheit) for at least 60 minutes.

(a) Whole Chinese-style roast duck shall be exempted from Section 113995 for a period not to exceed four hours after the duck is prepared, since the methods used to

prepare these foods inhibit the growth of microorganisms that can cause food infections or food intoxications. Nothing in this section shall be construed to supersede any provision of this chapter except the provisions specified in this section.

(b) For the purpose of this section, "Chinese-style roast duck" shall include, but is not limited to, Chinese-style barbecue duck, dry hung duck, and Peking duck. Chinese-style roast duck means duck that is prepared as follows:

- (1) The abdominal cavity is cleaned.
- (2) The duck is marinated.
- (3) The cavity is closed prior to cooking.

(4) The duck is roasted at a temperature of 177 degrees Celsius (350 degrees Fahrenheit) or more for at least 60 minutes.

#### **114002. Cooling of Potentially Hazardous Food**

(a) Whenever food has been prepared so that it becomes potentially hazardous, or is potentially hazardous food that has been heated, it shall be rapidly cooled if not held at or above 57.2 degrees Celsius (135 degrees Fahrenheit).

(b) After heating or hot holding, potentially hazardous food shall be cooled rapidly according to the following:

(1) From 57.2 degrees Celsius, (135 degrees Fahrenheit) to 21 degrees Celsius (70 degrees Fahrenheit) within two hours.

(2) From 21 degrees Celsius (70 degrees Fahrenheit) to 5 degrees Celsius (41 degrees Fahrenheit) or below within four hours.

(c) If prepared at ambient temperature, potentially hazardous food shall be cooled rapidly from ambient temperature to 5 degrees Celsius (41 degrees Fahrenheit) or below within four hours.

(d) The rapid cooling of potentially hazardous food shall be completed by one or more of the following methods based on the type of food being cooled:

- (1) Placing the food in shallow, heat-conducting pans.
- (2) Separating the food into smaller or thinner portions.
- (3) Using rapid-cooling equipment.
- (4) Using containers that facilitate heat transfer.
- (5) Adding ice as an ingredient.

(6) Inserting appropriately designed containers in an ice bath and stirring frequently.

(7) In accordance with a HACCP plan adopted pursuant to Section 114055 or 114056.

(8) Utilizing other effective means that have been approved by the enforcement agency.

(e) When potentially hazardous food is placed in cooling or cold-holding equipment, food containers in which the food is being cooled shall be:

(1) Arranged in the equipment, to the extent practicable, to provide maximum heat transfer through the container walls.

(2) Loosely covered, or uncovered if protected from overhead contamination, to facilitate heat transfer from the surface of the food.

(3) Stirred as necessary to evenly cool a liquid or a semiliquid food.

(f) Notwithstanding subdivision (e), other methods of cooling potentially hazardous food may be utilized, unless deemed unacceptable by the enforcing agency, including, but not limited to, a HACCP plan adopted pursuant to Section 114055 or 114056.

**114003. Inspection upon Receipt**

(a) Food shall be inspected as soon as practicable upon receipt and prior to any use, storage, or resale.

(b) Food shall be accepted only if the inspection conducted upon receipt determines that the food satisfies all of the following:

(1) Was prepared by and received from approved sources.

(2) Is received in a wholesome condition.

(3) Is in containers that are not contaminated or damaged in a manner as to permit contamination of food.

(4) Is in containers and on pallets that are not infested with vermin.

(c) Potentially hazardous food shall be inspected for signs of spoilage and randomly checked for adherence to the temperature requirements set forth in Section 113995. No temperatures need be taken of foods that are hard-frozen or are visibly well packed in ice.

(d) Shell eggs shall be clean and unbroken upon receipt.

(e) (1) No raw or raw frozen molluscan shellfish shall be accepted unless each container is properly labeled with the species, quantity, harvest site, date of harvest, and name and certification number of the harvester or original shipper or both. The shellfish certification tag or label shall be maintained upon the original container until emptied and then retained for a period of not less than 90 days from the date of receipt. In the case of a food establishment that sells full containers of shucked or unshucked shellfish, an invoice or written record containing all of the required shellfish information may be maintained, for a period of not less than 90 days from the date of receipt, in lieu of maintaining the certification tag or label as provided in the preceding sentence.

(2) Live molluscan shellfish may not be accepted unless received at an internal temperature of 7 degrees Celsius (45 degrees Fahrenheit) or below; provided, however, that the shellfish may be accepted at a temperature above 7 degrees Celsius (45 degrees Fahrenheit) if received on the date of harvest.

(f) Frozen food shall be accepted only if there are no visible signs of thawing or refreezing.

**114005. Use of Donated Fish and Game**

The local enforcement agency may approve the use of legally obtained donated fish and game by nonprofit organizations authorized to serve meals to indigent persons.

“Fish” as used in this section, shall be defined as that term is used in Section 45 of the Fish and Game Code.

“Game” as used in this section, means any game bird, as defined in Section 3500 of the Fish and Game Code, or game mammal, as defined in Section 3950 of the Fish and Game Code.

**114010. Food Must Be Protected**

All food shall be prepared, stored, displayed, dispensed, placed, transported, sold, and served as to be protected from dirt, vermin, unnecessary handling, droplet contamination, overhead leakage, or other contamination.

**114015. Returned Food - Food Prepared in Private Homes**

(a) (1) No unpackaged food that has been served to any person or returned from any eating area shall be served again or used in the preparation of other food.

(2) No food prepared or stored in a private home shall be used, stored, served, offered for sale, sold, or given away in a food facility.

(3) Except as provided in paragraph (4), a private home shall not be used for the purpose of giving away, selling, or handling food at retail, as defined in Section 113875.

(4) Nonperishable, prepackaged food may be given away, sold, or handled from a private home. For purposes of this paragraph only: (A) "nonperishable food" means a food that is not a potentially hazardous food, and that does not show signs of spoiling, becoming rancid, or developing objectionable odors during storage at ambient temperatures; and (B) no food that has exceeded the labeled shelf life date recommended by the manufacturer shall be deemed to be "nonperishable."

(b) Except as provided in subdivision (c) of Section 114080, every bakery product shall have a protective wrapping that bears a label that complies with the labeling requirements prescribed by the Sherman Food, Drug, and Cosmetic Law (Part 5 (commencing with Section 109875)). Bakery products sold directly to a restaurant, catering service, retail bakery, or sold over the counter directly to the consumer by the manufacturer or bakery distributor shall be exempt from the provisions of this subdivision. French style, hearth-baked, or hard-crust loaves and rolls shall be considered properly wrapped if contained in an open-end bag of sufficient size to enclose the loaves or rolls.

**114020. Requirements for Food Handlers**

(a) No employee shall commit any act that may result in the contamination or adulteration of food, food contact surfaces, or utensils.

(b) All employees preparing, serving, or handling food or utensils shall wear clean, washable outer garments, or other clean uniforms. All employees shall wear hairnets, caps, or other suitable coverings to confine all hair when required to prevent the contamination of food, equipment, or utensils.

(c) All employees shall thoroughly wash their hands and that portion, if any, of their arms exposed to direct food contact by vigorously rubbing them with cleanser and warm water, paying particular attention to areas between the fingers and around and under the nails, rinsing with clean water. Employees shall wash their hands:

(1) Immediately before engaging in food preparation, including working with unpackaged food, clean equipment and utensils, and unwrapped single-service food containers and utensils.

(2) Before dispensing or serving food or handling clean tableware and serving utensils in the food service area.

(3) As often as necessary, during food preparation, to remove soil and contamination and to prevent cross-contamination when changing tasks.

(4) When switching between working with raw foods and working with ready-to-eat foods.

(5) After touching bare human body parts other than clean hands and clean, exposed portions of arms.

(6) After using the toilet room.

(7) After caring for or handling any animal allowed in a food facility pursuant to Section 114045.

(8) After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking.

(9) After handling soiled equipment or utensils.

(10) After engaging in any other activities that contaminate the hands.

(d) No employee shall expectorate or use tobacco in any form in any area where food is prepared, served, or stored, or where utensils are cleaned or stored.

(e) Food employees shall use utensils, including scoops, forks, tongs, paper wrappers, gloves, or other implements, to assemble ready-to-eat food or to place ready-to-eat food on tableware or in other containers. However, ready-to-eat food may be assembled or placed on tableware or in other containers in an approved food preparation area without using utensils by employees who comply with the hand washing requirements specified in subdivision (c). Food that has been served to the customer and then wrapped or packaged at the direction of the customer shall be handled only with utensils. These utensils shall be properly sanitized before reuse.

(f) Gloves shall be worn when contacting food and food contact surfaces if the employee has any cuts, sores, rashes, artificial nails, nail polish, rings (other than a plain ring, such as a wedding band), uncleanable orthopedic support devices, or finger nails that are not clean, neatly trimmed, and smooth.

(g) Whenever gloves are worn, they shall be changed, replaced, or washed as often as hand washing is required in subdivision (c). When single-use gloves are used, they shall be replaced after removal.

#### **114021. Posting of Signs**

The employer shall post and maintain legible signs to prevent food contamination, including but not limited to, all of the following:

(a) A conspicuous sign in each toilet room directing attention to the need to thoroughly wash hands after using the toilet.

(b) "No Smoking" signs in food preparation, food storage, utensil cleaning, and utensil storage areas.

#### **114022. Prevention of Disease Transmission**

When information as to the possibility of disease transmission is presented to an enforcement officer, he or she shall investigate conditions and take appropriate action. The enforcement officer may, after investigation and for reasonable cause, require any or all of the following measures to be taken:

(a) The immediate exclusion of any employee from the affected food facility.

(b) The immediate closing of the food facility until, in the opinion of the enforcement officer, no further danger of disease outbreak exists. Any appeal of the closure shall be made in writing within five days to the applicable enforcement agency.

(c) A medical examination of any employee, with any laboratory examination which may be indicated. Should a medical examination be refused by an employee, the enforcement officer may require the immediate exclusion of the refusing employee from that or any other food facility until an acceptable medical or laboratory examination shows that the employee is not affected with a disease in a communicable form.

#### **114025. Use and Storage of Pesticides**

(a) Only those insecticides, rodenticides, and other pesticides that are specifically approved for use in a food facility may be used.

(b) All poisonous substances, detergents, bleaches, cleaning compounds, and all other injurious or poisonous materials shall be used and stored in containers specifically and plainly labeled as to contents, hazard, and use, except for those products held for retail sale.

(c) All poisonous substances, detergents, bleaches, cleaning compounds, and all other injurious or poisonous materials shall be stored and used only in a manner that is not likely to cause contamination or adulteration of food, food contact surfaces, utensils, or packaging materials.

#### **114030. Exclusion of Vermin**

A food facility shall at all times be so constructed, equipped, maintained, and operated as to prevent the entrance and harborage of animals, birds, and vermin, including, but not limited to, rodents and insects.

#### **114035. Disposal of Waste**

Each food facility shall be provided with any facilities and equipment necessary to store or dispose of all waste material. All food waste and rubbish containing food waste shall be kept in leakproof and rodentproof containers and shall be contained so as to minimize odor and insect development by covering with closefitting lids or placement in a disposable bag that is impervious to moisture and then sealed. Trash containers inside a food facility need not be covered during periods of operation. All food waste and rubbish shall be removed and disposed of in a sanitary manner as frequently as may be necessary to prevent the creation of a nuisance.

#### **114040. Maintenance of Premises**

The premises of each food facility shall be kept clean and free of litter, rubbish, and vermin.

**114045. Exclusion of Live Animals**

(a) Except as otherwise provided in subdivision (b), no live animal, bird, or fowl shall be kept or allowed in any food facility.

(b) Subdivision (a) does not prohibit the presence, in any room where food is served to the public, guests, or patrons, of a guide dog, signal dog, or service dog, as defined by Section 54.1 of the Civil Code, accompanied by a totally or partially blind person, deaf person, person whose hearing is impaired, or handicapped person, or dogs accompanied by persons licensed to train guide dogs for the blind pursuant to Chapter 9.5 (commencing with Section 7200) of Division 3 of the Business and Professions Code.

(c) Subdivision (a) does not apply to dogs under the control of uniformed law enforcement officers or of uniformed employees of private patrol operators and operators of a private patrol service who are licensed pursuant to Chapter 11.5 (commencing with Section 7580) of Division 3 of the Business and Professions Code, while these employees are acting within the course and scope of their employment as private patrol persons.

(d) The persons and operators described in subdivisions (b) and (c) are liable for any damage done to the premises or facilities by the dog.

(e) The dogs described in subdivisions (b) and (c) shall be excluded from food preparation and utensil wash areas. Aquariums and aviaries shall be allowed if enclosed so as not to create a public health problem.

**114050. Maintenance**

All food facilities and all equipment, utensils, and facilities shall be kept clean, fully operative, and in good repair.

**114055. Requirements for HACCP Plans**

(a) Food facilities may operate pursuant to a HACCP plan.

(b) The person operating a food facility pursuant to a HACCP plan shall designate at least one person to be responsible for developing HACCP plans, verifying that HACCP plans are effective, and training employees.

(1) The designated person shall have knowledge in the causes of foodborne illness.

(2) The designated person shall have knowledge of HACCP principles and their application.

(c) A minimum of one person per shift shall be designated who is knowledgeable in the HACCP plan or plans adopted by the operator to be responsible for adherence to any HACCP plan used, take corrective actions when necessary, and assure monitoring records are properly completed.

(d) Food receiving, storage, display, and dispensing procedures may be addressed under a general HACCP plan if the foods have common hazards and critical control points.

(e) Food facilities may engage in the following only pursuant to a HACCP plan adopted pursuant to this section or Section 114056:

(1) Acidification of potentially hazardous foods to prevent bacterial growth.

(2) Packing potentially hazardous foods in an oxygen-reduced atmosphere for a period that exceeds 10 days.

(3) Storing partially cooked meals in sealed containers at temperatures above negative 17 degrees Celsius (0 degrees Fahrenheit) for a period that exceeds 10 days.

(4) Preserving foods by smoking, curing, or using food additives.

(f) All critical limit monitoring equipment shall be suitable for its intended purpose and be calibrated as specified by its manufacturer. The food facility shall maintain all calibration records for a period not less than two years.

(g) No verification of the effectiveness of a critical limit is required if the critical limits used in the HACCP plan do not differ from the critical limits set forth in Sections 113845, 113995, and 114003.

(h) HACCP training of employees shall be documented and HACCP training records of an employee shall be retained for the duration of employment or a period not less than two years, whichever is greater. Training given to employees shall be documented as to date, trainer, and subject.

(i) All critical control point monitoring records shall be retained for a period not less than 90 days.

(j) Nothing in this section shall be deemed to require the enforcement agency to review or approve a HACCP plan.

#### ***114056. HACCP Plans Requiring Approval***

(a) Any HACCP plan that uses critical limits other than those stated in Sections 113845, 113995, and 114003 shall not be implemented without prior review and approval by the enforcement agency.

(b) Any HACCP plan using acidification or water activity to prevent the growth of *Clostridium botulinum* shall not be implemented without prior review and approval by the department.

(c) The enforcement agency shall collect fees sufficient only to cover the costs for review, inspections, and any laboratory samples taken.

(d) Any HACCP plan may be disapproved if it does not comply with HACCP principles.

(e) The enforcement agency may suspend or revoke, as set forth in this subdivision, its approval of a HACCP plan without prior notice if the plan: is determined to pose a public health risk due to changes in scientific knowledge or the hazards present; or there is a finding that the food facility does not have the ability to follow its HACCP plan; or there is a finding that the food facility does not consistently follow its HACCP plan.

(1) Within 30 days of written notice of suspension or revocation of approval, the food facility may request a hearing to present information as to why the HACCP plan suspension or revocation should not have taken place or to submit HACCP plan changes.

(2) The hearing shall be held within 15 working days of the receipt of a request for a hearing. Upon written request of the permittee the hearing officer may postpone any hearing date, if circumstances warrant that action.

(3) The hearing officer shall issue a written notice of decision within five working days following the hearing. If the decision is to suspend or revoke approval, the reason for suspension or revocation shall be included in the written decision.

**114057. Date Marking of Containers**

(a) Potentially hazardous foods that are packed by the food facility in oxygen-reduced atmosphere or have been partially cooked and sealed in any container or configuration that creates anaerobic conditions shall be plainly date coded. The date coding shall state "Use by" followed by the appropriate month, day, and year.

(b) For purposes of this section, "partially cooked" means potentially hazardous foods that have not been sufficiently cooked to assure commercial sterility or fail to have barriers to prevent the growth of or toxin formation by *Clostridium botulinum*.

**114060. Requirements for Manual Sanitization**

(a) Manual sanitization shall be accomplished in the final sanitizing rinse by one of the following:

(1) Contact with a solution of 100 ppm available chlorine solution for 30 seconds.

(2) Contact with a solution of 25 ppm available iodine for one minute.

(3) Contact with a solution of 200 ppm quaternary ammonium for one minute.

(4) Contact with water of at least 82 degrees Celsius (180 degrees Fahrenheit) for 30 seconds.

(5) Contact with any chemical sanitizer that meets the requirements of Section 178.1010 of Title 21 of the Code of Federal Regulations when used in accordance with the manufacturer's use directions as specified on the product label.

(b) In-place sanitizing shall be as described in paragraph (1), (2), (3), or (4) of subdivision (a).

(c) Other methods may be used if approved by the department.

(d) Testing equipment and materials shall be provided to adequately measure the applicable sanitization method.

(e) Chemical sanitizers shall be approved for use in food facilities and shall be used in accordance with the manufacturer's use directions as specified on the product label.

**114065. Equipment Standards**

All new and replacement food-related and utensil-related equipment shall be certified or classified for sanitation by an American National Standards Institute (ANSI) accredited certification program. In the absence of an applicable ANSI sanitation certification, food-related and utensil-related equipment shall be approved by the enforcement agency.

**114070. Sulfite Prohibition**

Sulfites shall not be added to potentially hazardous foods.

## **Article 8. Sanitation Requirements for Food Establishments**

### **114075. Scope**

This article governs sanitation requirements for food establishments, as defined in this chapter.

### **114080. Storage Requirements**

(a) Adequate and suitable space shall be provided for the storage of food. Except for large or bulky food containers, all food shall be stored at least 15 centimeters (6 inches) off the floor or under other conditions that are approved. Containers may be stored on dollies, racks, or pallets not meeting this height requirement, if these items are easily movable. All cartons, boxes, or other materials used in the packaging of any food shall be protected at all times from dirt, vermin, and other forms of contamination or adulteration. All returned or damaged food products and food product from which the label has been removed shall be separated and stored in a separate area and in a manner that shall prevent adulteration of other foods and shall not contribute to a vermin problem. Bulk food not stored in original packaging shall be stored in containers identifying the food by common name.

(b) Unpackaged food may be displayed in bulk for customer self-service under the following conditions:

(1) Produce and food requiring further processing may be displayed on open counters or in containers.

(2) Salad bars, buffet-type food service, and other ready-to-eat food shall:

(A) Be shielded so as to intercept a direct line between the customer's mouth and the food being displayed, or shall be in a container that has a tight-fitting, securely attached lid, or may be dispensed from approved mechanical dispensers.

(B) Be stored so as to be protected from vermin or other contamination.

(C) When displayed in a self-service container, shall be provided with a utensil with a handle or other approved device or mechanism for dispensing the product.

(3) Except for salad bar and buffet-type food service, a label is conspicuously displayed in plain view of the customer and securely attached to each self-service container, or in clear relationship thereto, that contains all of the following:

(A) The common name of the product.

(B) A declaration of the ingredients used by their common or usual name in descending order of predominance by weight. The declaration shall be provided in writing to the food establishment by the manufacturer, packer, or distributor.

(4) Nonfood items shall be displayed and stored in an area separate from food.

(c) Unpackaged food may be displayed and sold in bulk in other than self-service containers if both of the following conditions are satisfied:

(1) The food is served by an employee of the food establishment directly to a consumer.

(2) The food is displayed in clean, sanitary, and covered or otherwise protected containers.

(d) If the director makes a specific finding that a disease is actually transmitted by the method of dispensing unpackaged foods, as prescribed by this section, the director

may establish by regulation greater restrictions on the sale of that food than are required by this section. These regulations shall bear directly on the specific relationship between the disease actually transmitted and the dispensing methods permitted by this section.

**114085. Frozen Food Handling**

(a) Frozen food that has been thawed shall be cooked or otherwise processed before it may be refrozen.

(b) Potentially hazardous frozen foods shall be thawed only:

(1) In refrigeration units.

(2) Under potable running water for a period not to exceed two hours. The water temperature shall not exceed 24 degrees Celsius (75 degrees Fahrenheit) and shall be of sufficient velocity to flush loose food particles into the sink drain.

(3) In a microwave oven.

(4) As part of the cooking process.

**114090. Cleaning and Sanitizing of Utensils and Equipment**

(a) All utensils and equipment shall be scraped, cleaned, or sanitized as circumstances require.

(b) All food establishments in which food is prepared or in which multiservice kitchen utensils are used shall have a sink with at least three compartments with two integral metal drainboards. Additional drainage space that is not necessarily attached to the sink may be provided. The sink compartments and drainage facilities shall be large enough to accommodate the largest utensil or piece of equipment to be cleaned therein. A one-compartment or two-compartment sink that is in use on January 1, 1996, may be continued in use until replaced. The enforcement officer may approve the continued use of a one-compartment or two-compartment sink even upon replacement if the installation of a three-compartment sink would not be readily achievable and where other approved sanitation methods are used.

(c) All food establishments in which multiservice consumer utensils are used shall clean the utensils in one of the following ways:

(1) Handwashing of utensils using a three-compartment metal sink with dual integral metal drainboards where the utensils are first washed by hot water and a cleanser until they are clean, then rinsed in clear, hot water before being immersed in a final warm solution meeting the requirements of Section 114060.

(2) Machine washing of utensils in machines using a hot water or chemical sanitizing rinse shall meet or be equivalent to sanitation standards approved pursuant to Section 114065 and shall be installed and operated in accordance with those standards. The machines shall be of a type, and shall be installed and operated, as approved by the department. The velocity, quantity, and distribution of the wash water, type and concentration of detergent used therein, and the time the utensils are exposed to the water, shall be sufficient to clean the utensils.

(3) A two-compartment metal sink, having metal drainboards, equipped for hot water sanitization, that is in use on January 1, 1985, may be continued in use until replaced.

(4) Other methods may be used after approval by the department.

(d) Hot and cold water under pressure shall be provided through a mixing valve to each sink compartment in all food establishments constructed on or after January 1, 1985.

(e) All utensil washing equipment, except undercounter dish machines, shall be provided with two integral metal drainboards of adequate size and construction. One drainboard shall be attached at the point of entry for soiled items and one shall be attached at the point of exit for cleaned and sanitized items. Where an undercounter dish machine is used, there shall be two metal drainboards, one for soiled utensils and one for clean utensils, located adjacent to the machine. The drainboards shall be sloped and drained to an approved waste receptor. This requirement may be satisfied by using the drainboards appurtenant to sinks as required in subdivision (b) and paragraph (1) of subdivision (c), if the facilities are located adjacent to the machine.

(f) The handling of cleaned and soiled utensils, equipment, and kitchenware shall be undertaken in a manner that will preclude possible contamination of cleaned items with soiled items.

(g) All utensils, display cases, windows, counters, shelves, tables, refrigeration units, sinks, dishwashing machines, and other equipment or utensils used in the preparation, sale, service, and display of food shall be made of nontoxic, noncorrosive materials, shall be constructed, installed, and maintained to be easily cleaned, and shall be kept clean and in good repair.

(h) Utensils and equipment shall be handled and stored so as to be protected from contamination. Single-service utensils shall be obtained only in sanitary containers or approved sanitary dispensers, stored in a clean, dry place until used, handled in a sanitary manner, and used once only.

(i) Equipment food-contact surfaces and utensils shall be cleaned and sanitized as follows:

(1) Each time there is a change in processing between types of animal products except when products are handled in the following order: any cooked ready-to-eat products first; raw beef and lamb products second; raw fish products third; and raw pork or poultry products last.

(2) Each time there is a change from working with raw foods of animal origin to working with ready-to-eat foods.

(3) Between uses with raw fruits or vegetables and with potentially hazardous food.

(4) Before each use of a food temperature-measuring device.

(5) At any time during the food handling operation when contamination may have occurred.

(j) (1) Except as provided in paragraphs (2) and (3) of this subdivision, if used with potentially hazardous food, equipment food-contact surfaces and utensils shall be cleaned and sanitized throughout the day, at least every four hours.

(2) Equipment food-contact surfaces and utensils may be cleaned and sanitized less frequently than every four hours if the utensils and equipment are used to prepare food in a refrigerated room, at or below 13 degrees Celsius (55 degrees Fahrenheit), and the utensils and equipment are cleaned and sanitized at least every 24 hours.

(3) Equipment food-contact surfaces and utensils may be cleaned and sanitized less frequently than every four hours if the enforcement agency approves the cleaning schedule utilized based on a consideration of the following factors:

(A) Characteristics of the equipment and its use.

(B) The type of food involved.

(C) The amount of food residue accumulation.

(D) The temperature at which the food is maintained during the operation and the potential for the rapid and progressive growth of infectious or toxigenic microorganisms that may cause food infections or food intoxications.

(k) Nonfood contact surfaces of equipment shall be cleaned at a frequency necessary to prevent accumulation of residue.

#### **114095. Water Supply**

An adequate, protected, pressurized, potable supply of hot water, at least 49 degrees Celsius (120 degrees Fahrenheit), and cold water shall be provided. The water supply shall be from a water system approved by the health officer or the state department. Any hose used for conveying potable water shall be constructed of nontoxic materials, shall be used for no other purpose, and shall be clearly labeled as to its use. The hose shall be stored and used so as to be kept free of contamination. The potable water supply shall be protected with a backflow or back siphonage protection device, as required by applicable plumbing codes.

#### **114100. Installation and Maintenance of Plumbing**

All plumbing and plumbing fixtures shall be installed in compliance with local plumbing ordinances, shall be maintained so as to prevent any contamination, and shall be kept clean, fully operative, and in good repair.

All liquid wastes shall be disposed of through the plumbing system that shall discharge into the public sewerage or into an approved private sewage disposal system.

All steam tables, ice machines and bins, food preparation sinks, utensil washing sinks, display cases, and other similar equipment that discharge liquid waste shall be drained by means of indirect waste pipes, and all wastes drained by them shall discharge through an air gap into an open floor sink or other approved type of receptor that is properly connected to the drainage system. Drainage from refrigeration units shall be conducted in a sanitary manner to a floor sink or other approved device by an indirect connection or to a properly installed and functioning evaporator. Indirect waste receptors shall be located to be readily accessible for inspection and cleaning. Dishwashing machines may be connected directly to the sewer immediately downstream from a floor drain or they may be drained through an approved indirect connection. Utensil washing sinks in use on January 1, 1996, that are directly plumbed may be continued in use. This section does not require utensil washing sinks to be indirectly plumbed when the local building official determines that the sink should be directly plumbed.

**114105. Toilet Facilities**

In each food establishment, there shall be provided clean toilet facilities in good repair for use by employees. The number of toilet facilities required shall be in accordance with local building and plumbing ordinances. Toilet facilities whose construction begins on or after January 1, 1985, and that are provided for use by patrons, shall be so situated that patrons do not pass through food preparation, food storage, or utensil washing areas. Toilet rooms shall be separated from other portions of the food establishment by well-fitting, self-closing doors or by other methods approved by the enforcement officer. Toilet rooms shall not be used for the storage of food, equipment, or supplies. Toilet tissue shall be provided in a permanently installed dispenser at each toilet.

**114110. Exemption from Toilet Requirements for Amusement Parks, Etc.**

Amusement parks, stadiums, arenas, retail shopping centers, and similar premises, that include food facilities and toilet facilities within their boundaries, shall not be required to provide toilet facilities for employee use within each food establishment, as specified by Section 114105, if approved toilet facilities are located within 300 feet of each food establishment and are readily available for use by employees. Food establishments subject to this section shall be provided with handwashing facilities for employee use, as required by Section 114115.

**114115. Handwashing Facilities**

Handwashing facilities shall be provided within or adjacent to toilet rooms and shall be equipped with an adequate supply of hot and cold running water under pressure. Facilities constructed on or after January 1, 1985, shall have the water provided from a combination faucet, or water from a premixing faucet that supplies warm water for a minimum of 10 seconds while both hands are free for washing. The number of handwashing facilities required shall be in accordance with local building and plumbing ordinances. Handwashing cleanser and single-use sanitary towels or hot-air blowers shall be provided in dispensers at, or adjacent to, handwashing facilities. Food establishments beginning construction or extensive remodeling on or after January 1, 1996, shall provide facilities exclusively for handwashing in food preparation areas, that are sufficient in number and conveniently located so as to be accessible at all times for use by food handlers.

**114120. Customer Toilet Facilities**

(a) (1) For any building that is constructed on or after July 1, 1984, but before January 1, 2004, toilet facilities, in good repair, shall be provided for patrons, guests, or invitees on property used in connection with, or in, each food establishment with more than 20,000 square feet of floorspace.

(2) For purposes of a building subject to paragraph (1), there shall be at least one separate toilet facility for men and one separate toilet facility for women.

(b) (1) For any building that is constructed on or after January 1, 2004, clean toilet facilities, in good repair shall be provided for patrons, guests, or invitees on property used in connection with, or in, each food establishment with more than 20,000

square feet of floorspace, and each food establishment with less than 20,000 square feet of floorspace that provides space for the consumption of food on the premises.

(2) A building subject to paragraph (1) that has a food establishment with more than 20,000 square feet of floorspace shall provide at least one separate toilet facility for men and one separate toilet facility for women.

(c) (1) Except as provided in subdivision (a), any building that is constructed before January 1, 2004, that has a food establishment that provides space for the consumption of food on the premises shall provide clean toilet facilities, in good repair, for patrons, guests, or invitees on property used in connection with, or in, the food establishment or comply with the requirements set forth in paragraph (2). To comply with the requirements of this paragraph, it is not necessary to construct or add new toilet facilities.

(2) Toilet facilities shall be provided as specified in paragraph (1), or the food establishment shall prominently post a sign within the establishment in a public area stating that toilet facilities are not provided. A notice of warning shall be issued for the first violation of this posting requirement. Subsequent violations of this requirement shall be an infraction, which is punishable by a fine of not more than two hundred fifty dollars (\$250).

(d) For the purposes of this section, the gas pump area of a service station that is maintained in conjunction with a food establishment shall not be considered as property used in connection with the food establishment or be considered in determining the square footage of floorspace of the food establishment.

(e) (1) Toilet rooms shall be separated by well-fitted, self-closing doors that prevent passage of flies, dust, or odors.

(2) Handwashing facilities, in good repair, shall be provided for patrons, guests, or invitees within or adjacent to toilet rooms provided pursuant to this section and shall be equipped with hot and cold running water. Handwashing detergent or soap and sanitary towels or hot air blowers shall be provided at handwashing facilities in permanently installed dispensing devices.

(f) Notwithstanding any other provision of law, and except as provided for in paragraph (2) of subdivision (c), a violation of this section shall be an infraction, which is punishable by a fine not exceeding two hundred fifty dollars (\$250).

(g) Any city, county, or city and county may enact ordinances that are more restrictive than the provisions of this section.

(h) The requirements of this section for restroom facilities that are accessible to patrons, guests, or invitees on the property may be satisfied by permitting access by those persons to the toilet and handwashing facilities that are required by other provisions of this chapter.

### **114135. Employee Changing Room**

A room, enclosure, or designated area, separated from toilets, food storage, food preparation areas, and utensil washing areas, shall be provided where employees may change and store clothes. No employee shall store clothing or personal effects in any other area on the premises.

**114140. Ventilation**

Ventilation shall be provided to remove toxic gases, heat, grease, vapors, and smoke from the food establishment.

All areas shall have sufficient ventilation to facilitate proper food storage and to provide a reasonable condition of comfort for each employee, consistent with the job performed by the employee. On or after January 1, 1985, there shall be provided mechanical exhaust ventilation at or above all newly installed cooking equipment as required in Article 10.4 (commencing with Section 13670) of Title 17 of, and Chapter 4-20 (commencing with Section 4-2000) of Part 4 of Title 24 of, the California Code of Regulations.

This section shall not apply to cooking equipment when the equipment has been submitted to the department for evaluation, and it has found that the equipment does not produce toxic gases, smoke, grease, vapors, or heat when operated under conditions recommended by the manufacturer. The department may recognize a testing organization to perform any necessary evaluations.

Toilet rooms shall be vented to the outside air by means of an openable, screened window, an air shaft, or a light-switch-activated exhaust fan, consistent with the requirements of local building codes.

**114145. Enclosure of Food Establishments**

(a) Each food establishment, except produce stands and swap meet prepackaged food stands, shall be fully enclosed in a building consisting of floors, walls, and an overhead structure that meet the minimum standards prescribed by this chapter. Food establishments that are not fully enclosed on all sides and that are in operation on January 1, 1985, shall not be required to meet the requirement for a fully enclosed structure pursuant to this section.

(b) This section shall not be construed to require the enclosure of any of the following:

(1) Dining areas.

(2) Open-air barbecue facilities.

(3) Outdoor wood-burning ovens that meet all of the food preparation and safety requirements applicable to open-air barbecue facilities.

(4) Outdoor beverage bars contiguous with a fully enclosed food establishment under the constant and complete control of the operator of the food establishment, provided that the following requirements are met:

(A) The food establishment is a bona fide public eating place, as defined by Sections 23038, 23038.1, and 23038.2 of the Business and Professions Code.

(B) The operator of the food establishment is a licensee, as defined by Section 23009 of the Business and Professions Code, performing under authority of a license issued pursuant to the Alcoholic Beverage Control Act (Division 9 (commencing with Section 23000), Business and Professions Code) for the outdoor beverage bar.

(C) The outdoor beverage bar is, at all times, operated pursuant to the requirements of this chapter, including, without limitation, Sections 114010 and 114080, and any conditions imposed by the local health agency to ensure compliance with the requirements of this chapter.

(5) Outdoor displays that meet all of the following requirements:

(A) Only prepackaged nonpotentially hazardous food, uncut produce, or both is displayed or sold in the outdoor displays.

(B) Outdoor displays are contiguous with a fully enclosed food establishment that is in compliance with subdivision (a).

(C) Outdoor displays have overhead protection that extends over all food items.

(D) Food items from the outdoor display are stored inside a fully enclosed food establishment that is in compliance with subdivision (a) at all times other than during business hours. Any food items to be stored pursuant to this subdivision shall be stored in accordance with subdivision (a) of Section 114080.

(E) Outdoor displays comply with Section 114010 and have been approved by the enforcement agency.

(F) Outdoor displays are under the constant and complete control of the operator of the permitted food establishment.

(6) The Mercado La Paloma, located at 3655 South Grand Avenue in Los Angeles, operated by Esperanza Community Housing Corporation, which is a public market open only on one side, and which meets the following criteria:

(A) All facilities inside the Mercado La Paloma have overhead protection that extends over all food items.

(B) All facilities inside the Mercado La Paloma are enclosed on at least two sides.

(C) All facilities inside the Mercado La Paloma are under the constant and complete control of the operator.

(D) During periods of inoperation, food, utensils, and related items shall be stored so as to be adequately protected at all times from contamination, exposure to the elements, ingress of vermin, and temperature abuse.

(E) During all hours of operation, air curtains shall be in operation over all unclosed door openings to the outside to exclude flying pests.

(c) This section shall not be construed to require the enclosure during operating hours of customer self-service nonpotentially hazardous bulk beverage dispensing operations that meet the following requirements:

(1) The dispensing operations are installed contiguous with a fully enclosed food establishment that is in compliance with subdivision (a) and operated by the food establishment.

(2) The beverages are dispensed from enclosed equipment that precludes exposure of the beverages until they are dispensed at the nozzles.

(3) Ice is dispensed only from an icemaker-dispenser. Ice is not scooped or manually loaded into an ice dispenser out-of-doors.

(4) Single-service utensils are protected from contamination and are individually wrapped or dispensed from approved sanitary dispensers.

(5) The dispensing operations have overhead protection that fully extends over all equipment associated with the facility.

(6) During nonoperating hours, the dispensing operations are fully enclosed so as to be protected from contamination by vermin and exposure to the elements.

(7) The owner or operator of the food establishment demonstrates to the enforcement agency that acceptable methods are in place to properly clean and sanitize the beverage dispensing equipment.

(8) Beverage dispensing operations are in compliance with Section 114010 and have been approved by the enforcement agency.

(9) Beverage dispensing operations are under the constant and complete control of the permit holder of the food establishments who is operating the dispensing facility.

(d) This section shall not be construed to allow outdoor displays in violation of local ordinances.

#### **114150. Construction of Floors**

(a) Except in sales areas of retail food establishments and as otherwise provided in subdivision (d), the floor surfaces in all areas in which food is prepared, packaged, or stored, where any utensil is washed, where refuse or garbage is stored, where janitorial facilities are located, and, except with respect to areas relating to guestroom accommodations and the private accommodations of owners and operators in restricted food service transient occupancy establishments, as defined in Section 113870, in all toilet and handwashing areas, and in employee change and storage areas shall be smooth and of durable construction and nonabsorbent material that is easily cleaned.

These floor surfaces shall be coved at the juncture of the floor and wall with a 10 millimeter (3/8 inch) minimum radius coving and shall extend up the wall at least 10 centimeters (4 inches) except in areas where food is stored only in unopened bottles, cans, cartons, sacks, or other original shipping containers.

(b) Upon new construction or extensive remodeling on or after January 1, 1985, floor drains shall be installed as follows:

(1) In floors that are water-flushed for cleaning.

(2) In areas where pressure spray methods for cleaning equipment are used.

Floor surfaces in areas pursuant to this subdivision shall be sloped 1:50 to the floor drains.

(c) Upon new construction or extensive remodeling on or after January 1, 1985, floor sinks, funnel drains, or equivalent devices shall be installed to receive discharges of water or other fluid waste from equipment.

(d) Except for dining and serving areas, the use of sawdust, wood shavings, peanut hulls, or similar materials is prohibited.

(e) This section shall not prohibit the use of approved dust-arresting floor sweeping and cleaning compounds during floor cleaning operations or the use of approved antislip floor finishes or materials in areas where necessary for safety reasons.

(f) Food establishments that are in operation on January 1, 1985, and in which sawdust is used as an absorbent in meat holding units may continue this use until the floor is replaced.

#### **114155. Construction of Walls**

(a) Except as provided in subdivision (b) the walls and ceilings of all rooms shall be of a durable, smooth, nonabsorbent, light colored, and washable surface. For purposes of this chapter, light colored shall mean having a light reflectance value of 70 percent or greater.

(b) This section shall not apply to the following areas:

(1) Walls and ceilings of bar areas in which alcoholic beverages are sold or served directly to the patrons, except wall areas adjacent to bar sinks and areas where food is prepared.

(2) Areas where food is stored only in unopened bottles, cans, cartons, sacks, or other original shipping containers.

(3) Dining and sales areas.

(4) Offices.

(5) Restrooms that are used exclusively by the patrons; provided, however, that the walls and ceilings in the restrooms shall be of a nonabsorbent and washable surface.

(c) Acoustical paneling may be utilized providing it is installed not less than 1.8 meters (6 feet) above the floor. Any perforations shall not penetrate the entire depth of the panel, shall not be greater than 3 millimeters (1/8 inch) in any dimension, and shall not comprise more than 25 percent of the exposed panel surface. The paneling shall otherwise meet the requirements of this section.

(d) Conduits of all types shall be installed within walls as practicable. When otherwise installed, they shall be mounted or enclosed so as to facilitate cleaning.

#### **114160. Linens**

(a) Adequate and suitable space shall be provided for the storage of clean linens, including apparel, towels, and cleaning cloths.

(b) Soiled linens, apparel, towels, tablecloths, and cleaning cloths shall be kept in cleanable containers provided only for this purpose and shall not be reused until they have been laundered.

(c) Cleaning cloths used to wipe customer tables and seats shall not be used to wipe any other surfaces.

(d) Cleaning cloths used to wipe service counters, scales, and other surfaces that may directly or indirectly contact food shall be used only once until laundered, or if held in a sanitizing solution of a concentration as stated in Section 114060 when not wiping, may be used repeatedly. Whenever a sanitizing solution becomes turbid or heavily permeated with food particles and juices, or no longer meets a concentration as stated in Section 114060, it shall be replaced.

#### **114165. Janitorial Closet, Mop Sink**

(a) A room, area, or cabinet separated from any food preparation or storage area, or utensil washing or storage area, shall be provided for the storage of cleaning equipment and supplies, such as mops, buckets, brooms, cleansers, and waxes.

(b) Any food establishment constructed or extensively remodeled on or after January 1, 1985, shall be equipped with at least one of the following to be used exclusively for general cleaning purposes and for the disposal of mop bucket wastes and other liquid wastes:

(1) A one-compartment, nonporous janitorial sink.

(2) A slab, basin, or floor constructed of concrete or equivalent material, curbed and sloped to a drain. Such facilities shall be connected to approved sewerage and

provided with hot and cold running water through a mixing valve and protected with a backflow protection device.

**114170. Lighting**

In every room and area in which any food is prepared, manufactured, processed, or packaged, or in which utensils are cleaned, sufficient natural or artificial lighting shall be provided to produce an intensity of not less than 215 lux (20 footcandles) as measured 76 centimeters (30 inches) above the floor, except that the working surfaces on which alcoholic beverages are prepared or where utensils used in the preparation or service of alcoholic beverages are cleaned, shall be provided with at least 108 lux (10 footcandles) of light. Food and utensil storage rooms, refrigeration storage, and toilet and dressing rooms shall be provided with at least 108 lux (10 footcandles) of light. Light fixtures in areas where food is prepared or where open food is stored or where utensils are cleaned shall be of shatterproof construction or shall be protected with shatterproof shields and shall be readily cleanable.

During general cleanup activities, at least 215 lux (20 footcandles) of light, measured 76 centimeters (30 inches) above the floor, shall be provided in the area being cleaned, including, but not limited to, areas where alcoholic beverages are prepared or served.

**114175. Sleeping Accommodations Prohibited**

No sleeping accommodations shall be maintained or kept in any room where food is prepared, stored, or sold. All living and sleeping quarters shall be separated from the food establishment. No door or other opening shall be permitted in the partition that separates the food establishment from the living or sleeping quarters.

**114180. First Aid Instructions**

(a) The department shall adopt and approve first aid instructions designed and intended for use in removing food that may become stuck in a person's throat. These instructions shall be limited to first aid techniques not involving the use of any physical instrument or device inserted into the victim's mouth or throat.

(b) The department shall supply to the proprietor of every on-site eating establishment adopted and approved instructions pursuant to subdivision (a). The proprietor shall post the instructions in a conspicuous place or places, which may include an employee notice board, in order that the instructions may be consulted by anyone attempting to provide relief to a victim in a choking emergency.

(c) In the absence of other evidence of noncompliance with this section, the fact that the instructions were not posted as required by this section at the time of a choking emergency shall not in and of itself subject the proprietor or his or her employees or independent contractors to liability in any civil action for damages for personal injuries or wrongful death arising from a choking emergency.

(d) Nothing in this section shall impose any obligation on any person to remove, assist in removing, or attempt to remove food that has become stuck in another person's throat. In any action for damages for personal injuries or wrongful death, neither the proprietor nor any person who removes, assists in removing, or attempts to

remove such food in accordance with instructions adopted by the department shall be liable for any civil damages as a result of any acts or omissions by the person in rendering emergency assistance.

## **Article 9. Open-Air Barbecue Facilities**

### **114185. Scope**

This article governs sanitation requirements for open-air barbecue facilities as defined in this chapter.

### **114190. Requirements**

Notwithstanding the provisions of this chapter, neither the state department nor any city, county, or city and county shall require the enclosure of an open-air barbecue facility if the appropriate enforcement officer determines that the barbecue facility meets all of the following requirements:

(a) (1) The barbecue facility is operated on the same premises as, in reasonable proximity to, and in conjunction with, a food establishment, temporary food facility, or stationary mobile food preparation unit.

(2) For purposes of this chapter, the permitted food establishment, temporary food facility, or stationary mobile food preparation unit shall be deemed to be the operator of the barbecue facility, and shall be responsible for ensuring that it is operated in full compliance with this chapter.

(b) All food waste and rubbish containing food waste is handled in accordance with the requirements of Section 114035.

(c) The facility is operated in compliance with Articles 6 (commencing with Section 113975) and 7 (commencing with Section 113990), except for Sections 114030, 114045, and 114060.

(d) The multiservice utensils and equipment used in conjunction with the open-air barbecue facility are made of nontoxic materials, are constructed and maintained in a manner so they can be easily cleaned, and are kept clean and in good repair.

(e) Food and beverages served out of doors are dispensed from units approved by the enforcement officer. No other food may be prepared or stored in the out of doors, except for food cooked on the open-air barbecue unit.

(f) (1) Except as otherwise provided in paragraph (2), no live animals, birds, or fowl shall be kept or allowed in an area within 20 feet of any area where food or beverage is prepared, stored, kept, or served.

(2) Paragraph (1) does not prohibit the presence, in any area where food is served to the public, guests, or patrons, of a guide dog, signal dog, or service dog, as defined by Section 54.1 of the Civil Code, accompanied by a totally or partially blind person, deaf person, person whose hearing is impaired, or handicapped person, or dogs accompanied by persons licensed to train guide dogs for the blind pursuant to Chapter 9.5 (commencing with Section 7200) of Division 3 of the Business and Professions Code.

(3) Paragraph (1) does not apply to dogs under the control of uniformed law enforcement officers or of uniformed employees of private patrol operators and

operators of a private patrol service who are licensed pursuant to Chapter 11.5 (commencing with Section 7580) of Division 3 of the Business and Professions Code, while those employees are acting within the course and scope of their employment as private patrol persons.

(4) Those persons and operators described in paragraphs (2) and (3) are liable for any damage done to the premises or facilities by the dog.

(g) If the barbecue facility is a permanent structure, it is equipped with an impervious and easily cleaned floor surface that extends a minimum of five feet from the open-air barbecue facility on all open sides.

(h) The barbecue facility is located in an area reasonably protected from dust, as determined by the enforcement officer.

(i) The barbecue facility is not operated in, or out of, any motor vehicle or in any area or location that may constitute a fire hazard, as determined by the enforcement officer. For the purposes of this section, a motor vehicle does not include a stationary mobile food preparation unit, as defined in Section 113890.

(j) Sanitary facilities, including, but not limited to, toilet facilities and handwashing facilities shall be available for use within 200 feet of the barbecue facility and shall comply with all provisions of this chapter. Sanitary facilities that do not meet the requirements of this chapter shall not be located closer to the barbecue facility than the sanitary facilities required to be provided by this section.

#### ***114195. Preemption of Air Pollution Control Requirements***

No air pollution control district or air quality management district shall require the enclosure of an open-air barbecue facility if the appropriate enforcement officer determines that the barbecue facility meets all requirements prescribed by Section 114190.

### **Article 10. Vending Machines**

#### ***114200. Scope***

This article governs sanitation requirements for vending machines as defined in this chapter.

#### ***114205. Declaration of Ownership***

Each vending machine or machine location shall have posted in a prominent place a sign indicating the owner's name, address, and telephone number.

#### ***114210. Manner of Food Storage***

All food shall be stored and packaged in clean, protected containers, and handled, transported, and vended in a sanitary manner. Wet storage of packaged products is prohibited.

Potentially hazardous food shall be dispensed to the consumer in the original package into which it was placed at the commissary or processing plant. Bulk potentially hazardous food is prohibited.

**114215. Sanitization of Food Contact Surfaces**

All food contact surfaces shall be cleaned and sanitized either in place in a machine so designed and approved or by removing from the machine and cleaning and sanitizing at an approved facility.

All food contact surfaces when removed from the machine after cleaning and sanitizing shall be protected from contamination before being returned to the machine.

A record of cleaning and sanitizing shall be maintained by the operator in each machine and shall be current for at least the past 30 days.

**114220. Storage of Single-service Containers**

Single-service containers that are used in machines dispensing products in bulk, shall be obtained in sanitary packages, shall be stored in a clean, dry place until used, and shall be handled in a sanitary manner. The containers shall be stored in the original package until introduced into the container magazine or dispenser of the vending machine. The containers stored within the vending machine shall be protected from manual contact, dirt, vermin, and other contamination.

**114225. Location of Vending Machines**

Each vending machine shall be located in a room, area, or space, that shall minimize the potential for contamination of food. The floor area upon which vending machines are located shall be smooth, of cleanable construction, and capable of withstanding repeated washing and scrubbing.

**114230. Water Quality**

Water used in vending machines shall be potable.

**114235. Protection from Contamination during Transport**

While in transit to machine locations, food, single-service containers, and equipment shall be protected from dirt, vermin, and other contamination.

**114240. Vending Machine Standards**

On or after January 1, 1985, all vending machines shall be constructed in accordance with National Sanitation Foundation or National Automatic Merchandising Association standards, or the equivalent thereof.

**114245. Applicable CURFFL Sections**

Vending machines shall meet all the requirements of Article 6 (commencing with Section 113975) and applicable sections of Article 7 (commencing with Section 113990).

## **Article 11. Mobile Food Facilities**

### **114250. Scope**

This article governs sanitation requirements for mobile food facilities as defined in Section 113900.

### **114255. Applicable CURFFL Sections**

In addition to complying with the applicable provisions of this article as set forth in 114260, all mobile food facilities shall meet the applicable requirements of Article 6 (commencing with Section 113975) and Article 7 (commencing with Section 113990).

### **114260. Types of Food Handled, Requirements**

(a) Mobile food facilities that are limited to the handling of prepackaged nonpotentially hazardous food and produce shall comply with subdivisions (a) to (i), inclusive, of Section 114265.

(b) Mobile food facilities that handle prepackaged potentially hazardous food, whole fish and whole aquatic invertebrates, or the bulk dispensing of nonpotentially hazardous beverages shall comply with subdivisions (a) to (m), inclusive, of Section 114265. For purposes of this section, tamales shall be considered prepackaged if dispensed to the customer in its original, inedible wrapper.

(c) Mobile food facilities that handle any of the following foods shall comply with subdivisions (a) to (t), inclusive, of Section 114265:

(1) Nonprepackaged nonpotentially hazardous food requiring no preparation other than heating, baking, popping, blending, assembly, portioning, or dispensing.

(2) Preparation of nonpotentially hazardous ingredients into a nonpotentially hazardous food.

(3) Churros, hot dogs, cappuccino and other coffee-based or cocoa-based beverages that may contain cream, milk, or similar dairy products, and frozen ice cream bars that meet the requirements of subdivision (b) of Section 114270.

(d) Only those foods described in this section may be prepared or dispensed on a mobile food facility.

(e) (1) Except as provided in paragraph (2), cooking processes, including, but not limited to, barbecuing, broiling, frying, and grilling are not permitted on a mobile food facility.

(2) The preparation of churros is exempt from the prohibition in paragraph (1).

### **114265. Construction Requirements**

(a) The name of the facility, city, state, ZIP Code, and name of the permittee, if different from the name of the facility, shall be permanently affixed to both sides of the facility so as to be legible and clearly visible to patrons of the mobile food facility. The facility's name shall be in letters at least 8 centimeters (3 inches) in height and shall be of a color contrasting with the exterior of the mobile food facility. Letters and numbers for the city, state, ZIP Code, and the name of the permittee shall not be less than 2.5 centimeters (one inch) in height.

(b) Mobile food facility equipment, including, but not limited to, the interior of cabinet units and compartments, shall be designed so as to, and made of materials that, result in smooth, readily accessible, and easily cleanable surfaces. Unfinished wooden surfaces are prohibited. Construction joints shall be tightly fitted and sealed so as to be easily cleanable. Equipment and utensils shall be constructed of durable, nontoxic materials and shall be easily cleanable.

(c) During operation, no food intended for retail shall be conveyed, held, stored, displayed, or served from any place other than a mobile food facility except for the restocking of product in a manner approved by the enforcement agency.

(d) Notwithstanding subdivision (k), food products remaining after each day's operation shall be stored only in an approved commissary or other approved facility.

(e) During transportation, storage, and operation of a mobile food facility, food, food-contact surfaces, and utensils shall be protected from contamination. Single-service utensils shall be individually wrapped or in sanitary containers or approved sanitary dispensers, stored in a clean, dry place until used, handled in a sanitary manner, and used only once. Food-contact surfaces and utensils shall be cleaned and sanitized in accordance with subdivisions (i), (j), and (k) of Section 114090.

(f) All food displayed, sold, or offered for sale from a mobile food facility shall be obtained from an approved source.

(g) Food condiments shall be protected from contamination and, where available for customer self-service, be prepackaged or available only from approved dispensing devices.

(h) Mobile food facilities shall be operated within 60 meters (200 feet) of approved and readily available toilet and hand washing facilities or as otherwise approved by the enforcement agency to ensure restroom facilities are available to facility employees.

(i) All mobile food facilities shall operate out of a commissary, mobile support unit, or other facility approved by the enforcement agency. Mobile food facilities shall be stored at or within a commissary or other location approved by the enforcement agency so as to be protected from unsanitary conditions.

(j) Potentially hazardous food shall be maintained at or below 5 degrees Celsius (41 degrees Fahrenheit) or at or above 57.2 degrees Celsius (135 degrees Fahrenheit) at all times in accordance with Section 113995.

(k) Potentially hazardous food held at or above 57.2 degrees Celsius (135 degrees Fahrenheit) on a mobile food facility shall be destroyed at the end of the operating day.

(l) (1) Potable and wastewater tanks may be constructed so as to be removed from within the approved mobile food facility compartments for refilling and dispensing purposes only. All retail food operations shall cease during removal and replacement of tanks.

(2) All wastewater from a mobile food facility shall be drained to an approved wastewater receptor at the commissary or other approved facility.

(3) Refilling of a potable water tank shall be conducted through an approved and sanitary method.

(4) Storage of any prefilled potable water tank, or empty and clean water tanks, or both, shall be maintained within the cart, or in an approved manner that will protect against contamination.

(m) All new and replacement gas-fired appliances shall meet applicable ANSI standards. All new and replacement electrical appliances shall meet applicable Underwriters Laboratory standards. However, for units subject to Part 2 (commencing with Section 18000) of Division 13, these appliances shall comply with standards prescribed by Sections 18028, 18029.3, and 18029.5.

(n) Bulk beverage dispensers shall only be filled at the commissary or other facility approved by the enforcement agency unless a hand washing sink as described in paragraph (1) of subdivision (p) is provided.

(o) Where nonprepackaged food is handled for display or sale, the mobile food facility shall be equipped with a food compartment that completely encloses all food, food-contact surfaces, and the handling of ready-to-eat food. The opening to the food compartment shall be sized as appropriate to the food handling activity without compromising the intended protection from contamination, and shall be provided with tight-fitting doors that, when closed, protect interior surfaces from dust, debris, insects, and other vermin.

(p) Mobile food facilities, not under a valid public health permit as of January 1, 1997, on which nonprepackaged food is sold, or offered for sale, shall be constructed and equipped in compliance with all of the following:

(1) A minimum of a one-compartment metal sink, hand washing cleanser and single-service towels in approved dispensers shall be provided. The sink shall be furnished with hot running water that is at least 49 degrees Celsius (120 degrees Fahrenheit) and cold running water that is less than 38 degrees Celsius (101 degrees Fahrenheit) through a mixing-type faucet that permits both hands to be free for washing. The sink shall be large enough to accommodate the cleaning of the largest utensils washed. The sink, hand washing cleanser, and single-service towels shall be located as to be easily accessible and unobstructed for use by the operator in the working area. The minimum water heater capacity shall be one-half gallon.

(2) The potable water tank and delivery system shall be constructed of approved materials, provide protection from contamination, and shall be of a capacity commensurate with the level of food handling activity on the mobile food facility. The capacity of the system shall be sufficient to furnish enough hot and cold water for the following: steamtable, utensil washing and sanitizing, hand washing, and equipment cleaning. At least 18 liters (5 gallons) of water shall be provided exclusively for hand washing. Any water needed for other purposes shall be in addition to the 18 liters (5 gallons) for hand washing.

(3) (A) The wastewater tank or tanks shall have a minimum capacity that is 50 percent greater than the potable water tank or tanks supplying the hand and utensil washing sink. In no case shall this wastewater capacity be less than 28 liters (7.5 gallons).

(B) Mobile food facilities utilizing ice in the storage, display, or service of food or beverages shall provide an additional minimum wastewater holding tank capacity equal to one-third of the volume of the ice cabinet to accommodate the drainage of ice melt.

(C) Mobile food facilities equipped with a tank supplying product water for the preparation of a food or beverage shall provide an additional wastewater tank capacity equal to at least 15 percent of this water supply.

(D) Additional wastewater tank capacity may be required where wastewater production or spillage is likely to occur.

(E) Any connection to a wastewater tank shall preclude the possibility of contaminating any food, food-contact surface, or utensil.

(4) A mobile food facility's potable water tank inlet shall be provided with a connection of a size and type that will prevent its use for any other service and shall be constructed so that backflow and other contamination of the water supply is prevented. Hoses used to fill potable water tanks shall be made of food grade materials and handled in a sanitary manner.

(5) (A) Mobile food facilities operating in accordance with subdivision (e) of Section 114260, shall meet the applicable requirements of Section 114090.

(B) The dimensions of each compartment of the utensil washing sink shall be at least 12 inches wide, 12 inches long, 10 inches deep, or large enough to accommodate the cleaning of the largest utensil. The drainboards shall be installed with at least one-eighth inch per foot slope toward the sink compartment, and fabricated with a minimum one-half inch lip or rim to prevent the draining liquid from spilling onto the floor.

(C) Hand washing facilities and utensil washing sinks shall be an integral part of the primary unit or on an approved auxiliary conveyance that is used in conjunction with and maintained immediately adjacent to the primary unit of the mobile food facility. When used in conjunction with a mobile food facility, an auxiliary conveyance shall contain all of the utility connections.

(D) Mobile food facilities operating at community events may satisfy the requirements of subparagraph (C) by operating in compliance with subdivision (f) of Section 114330, provided the utensil washing sink meets the requirements of subparagraph (B).

(E) Ground or floor surfaces where cooking processes occur, in accordance with Section 114260, shall be impervious, smooth, easily cleanable, and shall provide employee safety from slipping. Ground or floor surfaces in compliance with this section shall extend from beneath the mobile food facility a minimum of two feet on the open side or sides of where cooking processes are conducted.

(F) Mobile food facilities operating pursuant to subdivision (e) of Section 114260 shall be equipped with safety equipment as described in Section 114297 and mechanical exhaust ventilation as described in Section 114296.

(q) Mobile food facilities selling unpackaged frozen ice cream bars or holding cream, milk, or similar dairy products pursuant to Section 114270 shall be equipped with refrigeration units as described in Section 113860.

(r) Operators of mobile food facilities handling nonprepackaged food shall develop and follow written operational procedures for food handling and the cleaning and sanitizing of food-contact surfaces and utensils. The enforcement agency shall review and approve the procedures prior to implementation and an approved copy shall be kept on the mobile food facility during periods of operation.

(s) All potentially hazardous food shall be prepackaged in an approved food facility except as provided in Sections 114260 and 114270.

(t) Except to the extent that an alternative construction standard is explicitly prescribed by this section, construction standards for mobile food preparation units and stationary mobile food preparation units which are subject to Part 2 (commencing with Section 18000) of Division 13 shall be governed by the provisions of that part.

(u) Notwithstanding paragraph (2) of subdivision (a) of Section 114297, portable fire protection equipment shall be provided whenever mobile food facilities are in use. A minimum of two approved rated 40 K class portable fire extinguishers shall be onsite whenever cooking processes are conducted within a mobile food facility. One approved fire extinguisher shall be mounted to the mobile food facility and one approved fire extinguisher shall be located no more than 30 feet from the mobile food facility unit.

(v) Mobile food facilities shall comply with all local fire codes, standards, and ordinances.

#### **114270. Sale of Nonprepackaged Food**

(a) Nonprepackaged food may be sold from mobile food facilities in accordance with Sections 114260 and 114265, provided that the storage, display, and dispensing methods are approved by the enforcement agency.

(b) (1) Cappuccino, espresso, cafe latte, cafe macchiato, mocha, hot chocolate, and other coffee-based or cocoa-based beverages that may contain cream, milk, or similar dairy products shall be made to order and immediately served to the consumer.

(2) Frozen ice cream bars may be sold from mobile food facilities in an unpackaged state if the frozen ice cream bars are prepackaged at a facility approved by the enforcement agency and unpackaged for the purpose of adding food condiments.

#### **114275. Exemption**

(a) Mobile food facilities formerly approved as vehicles immediately preceding January 1, 2002, on which approved unpackaged food is sold or offered for sale that operate exclusively on premises wherein approved toilet, hand washing, and utensil washing facilities are readily available and within 60 meters (200 feet) shall be exempt from the requirements of subdivision (p) of Section 114265.

(b) Mobile food facilities as set forth in subdivision (a) that were in operation as of July 1, 1986, need not meet the requirements of this article relating to utensil washing facilities, if an approved supply of gloves or utensils, or both, is maintained on the mobile food facility that would preclude any hand contact with the food products being dispensed.

(c) Mobile food facilities approved prior to January 1, 2002, that are limited to the portioning and dispensing of nonprepackaged, nonpotentially hazardous food, are exempt from the hand and utensil washing sink requirements of this article, if there is an approved supply of gloves, utensils, or both, on the facility that precludes any hand contact with the food products being dispensed. This exemption shall not apply to the scooping of ice.

**114282. Height and Width of Occupied Areas**

Mobile food facilities that are occupied during normal business operations shall have a clear, unobstructed height over the aisle-way portion of the unit of at least 188 centimeters (74 inches) from floor to ceiling, and a minimum of 76 centimeters (30 inches) of unobstructed horizontal aisle space. This section shall not apply to vehicles under permit prior to January 1, 1996.

**Article 12. Mobile Food Preparation Units, Stationary Mobile Food Preparation Units****114285. Scope**

This article governs sanitation, and structural and safety requirements for mobile food preparation units and stationary mobile food preparation units as defined in this chapter. Except to the extent that an alternative construction standard is explicitly prescribed by this article, construction standards for mobile food preparation units and stationary mobile food preparation units that are subject to Part 2 (commencing with Section 18000) of Division 13 shall be governed by the provisions of that part.

**114286. Applicable Requirements, Exemptions, Initial Approval**

(a) All mobile food preparation units and stationary mobile food preparation units shall meet the applicable requirements in Article 6 (commencing with Section 113975), Article 7 (commencing with Section 113990), and Article 8 (commencing with Section 114075), unless specifically exempted from any of these provisions as provided in this article.

(b) Mobile food preparation units and stationary mobile food preparation units shall be exempt from the requirements of Sections 114105 and 114135, and subdivision (b) of Section 114165.

(c) The Department of Housing and Community Development, consistent with the provisions of Chapter 4 (commencing with Section 18025) of Part 2 of Division 13 and regulations promulgated pursuant thereto, shall initially certify or recertify each mobile food preparation unit and stationary mobile food preparation unit that is either a special purpose commercial coach as defined by Section 18012.5 or a commercial coach as defined by Section 18001.8.

(d) The local enforcement agency shall initially approve all other mobile food preparation units and stationary mobile food preparation units as complying with the provisions of this article and shall require construction reapproval if deemed necessary by a local enforcement agency.

**114287. Operation from a Commissary**

All mobile food preparation units shall operate out of a commissary or other facility approved by the enforcement agency. Mobile food preparation units shall report to the commissary or other approved facility at least once each operating day for cleaning and servicing operations. Mobile food preparation units shall be stored, cleaned, and

serviced at or within a commissary or other facility approved by the enforcement agency so as to be provided protection from unsanitary conditions.

**114287.5. *Cleaning and Servicing of Mobile Food Facilities*<sup>1</sup>**

(a) Mobile food facilities shall be cleaned and serviced at least once during each operating day.

(b) Except as specified in subdivision (c), all mobile food facilities shall report to the commissary or other approved facility on a daily basis.

(c) Mobile food facilities that are serviced by a mobile support unit and do not report to a commissary on a daily basis shall be stored in a manner that protects the mobile food facility from contamination. All food shall be stored at the commissary or other approved facility at the end of the operating day.

(d) Mobile support units shall report to a commissary or other approved facility for cleaning, servicing, and storage at least daily.

**114288. *Hot and Cold Beverage Counter, Stationary Mobile Food Preparation Unit***

Stationary mobile food preparation units may include a staffed counter that serves hot and cold beverages that are not a potentially hazardous food as defined in Section 113845, and that are dispensed from approved bulk dispensing units.

**114289. *Storage of Nonpotentially Hazardous Food Adjacent***

(a) The enforcement agency may permit storage of supplies and food, which is not a potentially hazardous food as defined in Section 113845, in unopened containers adjacent to a stationary mobile food preparation unit, or in unopened containers in a nearby temporary storage unit.

(b) As used in this section, "unopened container" means a factory sealed container that has not been previously opened, that is suitably constructed to be resistant to contamination from moisture, dust, insects, and rodents.

**114290. *Exterior and Surrounding Area to Be Sanitary***

The operator shall maintain the exterior of the mobile food preparation unit or stationary mobile food preparation unit, and the surrounding area, as relating to the operation of the unit, in a sanitary condition.

**114291. *Waste Containers for Customer Use***

Adequate waste containers shall be furnished for the use of customers. These containers shall be of easily cleanable construction, furnished with a tight-fitting cover, and shall be kept clean.

**114292. *Protection from Contamination***

(a) The entrance doors to food preparation areas shall be self-closing and kept closed when not in use.

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<sup>1</sup> This Section was placed in Article 12 by error. This Section should be in Article 11.

(b) The mobile food preparation unit or stationary mobile food preparation unit, and all equipment and utensils shall be protected from potential contamination, kept clean, in good repair, and free of vermin.

**114293. Storage of Non-food items, Chemicals, Food, Utensils**

(a) Spare tires, related automotive equipment, or special tools relating to the mechanical operation of the mobile food preparation unit or stationary mobile food preparation unit shall not be stored in the food preparation or food storage areas.

(b) A separate cabinet or drawer shall be installed for the storage of insecticides or other poisonous substances in accordance with Section 114025, if these substances are used. All poisonous chemicals shall be kept in this cabinet or drawer in their original containers and in a manner that offers no contamination hazard to food or utensils.

(c) Adequate facilities shall be provided for the storage of linens, uniforms, and other related linens. Facilities shall be provided for the storage of personal belongings. All personal belongings shall be kept in the space provided.

(d) All pressurized cylinders shall be securely fastened to a rigid structure of the vehicle.

(e) Adequate and suitable space shall be provided for the orderly storage of food and food service materials.

(f) Single-service utensils shall be stored in their original enclosed package, in a clean, dry area. These utensils shall be kept in an approved, enclosed dispenser for customer use. Straws shall be wrapped or dispensed from approved, enclosed dispensers. An enclosed dispenser shall protect the lip-contact portion of the eating and drinking utensil from contamination.

(g) The mobile food preparation unit potable water tank shall be filled only at the commissary.

(h) The mobile food preparation unit wastewater tank shall be drained only at the commissary.

**114294. Identification of Owner, Location of Compressors, etc.**

(a) The name of the mobile food preparation unit or stationary mobile food preparation unit, city, state, ZIP Code, and the name of the permittee, if different from the name of the unit, shall be permanently affixed to both sides of the mobile food preparation unit or stationary mobile food preparation unit so as to be legible and clearly visible to patrons. The name shall be in letters at least eight centimeters (three inches) in height, and shall be of a color contrasting with the exterior of the vehicle. Letters and numbers for the city, state, ZIP Code, and the name of the permittee shall not be less than 2.5 centimeters (one inch) in height.

(b) Compressor units that are not an integral part of equipment, auxiliary engines, generators, and similar equipment, shall be installed in an area that is completely separated from food preparation and food storage and that is accessible from outside the unit for proper cleaning and maintenance.

**114295. Construction, Equipment Requirements**

(a) Effective January 1, 2001, newly constructed mobile food preparation units and stationary mobile food preparation units shall have a sink with at least three compartments with two integral metal drainboards. The dimensions of each compartment shall be at least 30-centimeters (12 inches) wide, 30-centimeters (12 inches) long, 25-centimeters (10 inches) deep. Each drainboard shall be at least the size of one of the sink compartments. The drainboards shall be installed with at least 0.3 centimeter (1/8 inch) per foot slope toward the sink compartment, and fabricated with a minimum one-centimeter (1/2 inch) lip or rim to prevent the draining liquid from spilling onto the floor. The sink shall be equipped with a mixing faucet and shall be provided with a swivel spigot capable of servicing all sink compartments. Mobile food preparation units and stationary mobile food preparation units constructed prior to January 1, 2001, shall provide at least a two-compartment sink with dual integral drainboards unless otherwise determined by the local enforcement agency.

(b) Hand washing and utensil washing sinks shall be supplied with hot running water that is at least 49 degrees Celsius (120 degrees Fahrenheit) and cold running water that is less than 38 degrees Celsius (101 degrees Fahrenheit) through a mixing-type faucet. Hand washing cleanser and single service towels shall be provided in permanently installed dispensers and maintained at the hand washing sink. The hand washing facilities shall be located in the work area and be easily accessible and unobstructed for use by the food handlers. The hand washing facilities shall be separate from the utensil washing sink. The hand washing sink must have a minimum dimension of 23 centimeters by 23 centimeters in length and width (nine inches by nine inches), and 13 centimeters in depth (five inches). The hand washing facilities shall be separated from the utensil washing sink by a metal splashguard with a height of at least 30 centimeters (12 inches), that extends from the back edge of the drainboard to the front edge of the drainboard, the corners of the barrier to be rounded. No splashguard is required if the distance between the hand washing sink and the utensil sink drainboards is 61 centimeters or more (24 inches or more).

(c) Floors, walls, and ceilings shall be constructed so that the surfaces are impervious, smooth, and cleanable. Floor surfaces shall provide employee safety from slipping. The juncture of the floor and wall shall be coved, with the floor surface extending up the wall at least 10 centimeters (four inches). In all mobile food preparation units and stationary mobile food preparation units, there shall be a clear, unobstructed height over the aisle of at least 188 centimeters (74 inches) from floor to ceiling, and a minimum of 76 centimeters (30 inches) of unobstructed horizontal aisle space.

(d) Construction joints and seams shall be sealed to provide smooth, easily cleanable surfaces. Soldered joints and seams<sup>2</sup> shall be smooth to the touch. Silicone sealant or equivalent waterproof compounds shall be acceptable, providing they prevent the entrance of liquid waste or vermin.

(e) All equipment shall be installed so as to be easily cleaned, prevent vermin harborage, and provide adequate access for service and maintenance. Equipment shall be spaced apart or shall be sealed together for easy cleaning. There shall be a

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<sup>2</sup> Incorrect form (“seems” instead of “seams”) was in the amending legislation.

minimum of 10 centimeters (four inches) of unobstructed space provided for sanitary maintenance beneath counter mounted equipment or between the sides of adjacent equipment. Food equipment or machinery of a size and weight that can be easily picked up and moved by one person, and with a flex connection need not comply with minimum leg height requirement. Threads, nuts, or rivets shall not be exposed where they interfere with cleaning. Threads, nuts, or rivets, that interfere with cleaning, shall be sealed or capped.

(f) All floor mounted equipment shall be sealed to the floor to prevent moisture from getting under the equipment or it shall be raised at least 15 centimeters (six inches) off the floor by means of an easily cleanable leg and foot.

(g) Equipment, including the interior of cabinet units or compartments, shall be constructed so as to have smooth, easily accessible, and easily cleanable surfaces that are free from channels, crevices, flanges, ledges, sharp or jagged edges, or other cleaning or safety obstructions. Unfinished wooden surfaces are not permitted.

(h) All food contact surfaces shall be designed and constructed so as to be easily cleanable and shall be made of nontoxic, noncorrosive materials.

(i) All utensils in the mobile food preparation unit shall be stored so as to prevent their being thrown about in the event of a sudden stop, collision, or overturn. A safety knife holder shall be provided to avoid loose storage of knives in cabinets, boxes, or slots along counter aisles. Knife holders shall be designed to be easily cleaned and be manufactured of materials approved by the local enforcement agency.

(j) Space around pipes, conduits, or hoses that extend through cabinets, floors, or outer walls shall be sealed. The closure shall be smooth and easily cleanable.

(k) Light bulbs and tubes shall be covered with a completely enclosed plastic safety shield or its equivalent and installed so as to not constitute a hazard to personnel or food materials.

(l) Waste receptacles shall be provided inside the vehicle. They shall be constructed to be smooth, nonabsorbent, and easily cleanable and shall be kept clean.

(m) No smoking signs and signs directing proper hand washing shall be posted in the food preparation area.

#### **114296. Mechanical Exhaust Ventilation**

(a) Mechanical exhaust ventilation equipment shall be provided over all cooking equipment as required to effectively remove cooking odors, smoke, steam, grease, and vapors. All mechanical exhaust ventilation equipment shall be installed and maintained in accordance with the Uniform Mechanical Code, except that for units subject to Part 2 (commencing with Section 18000) of Division 13, an alternative code adopted pursuant to Section 18028 shall govern the construction standards.

(b) The ventilation shall be adequate to provide a reasonable condition of comfort for employees.

(c) Grease filters or other means of grease extraction are required and shall be of steel construction, or other approved material, and shall be readily accessible for cleaning.

(d) Every joint and seam shall be substantially tight. No solder shall be used, except for sealing a joint or seam.

(e) Every hood shall be installed to provide for thorough cleaning of the entire hood.

(f) When grease gutters are provided they shall drain to a collecting receptacle fabricated, designed, and installed to be readily accessible for cleaning.

(g) All ducts in the exhaust system shall have a slope of at least five centimeters (two inches) per linear foot.

(h) All seams in the duct shall be substantially tight to prevent the accumulation of grease.

(i) The ducts shall have sufficient clean-outs to make the ducts readily accessible for cleaning.

(j) Makeup air shall be provided at the rate of that exhausted. Adequate makeup air may be provided from screened openings, vents in the ceiling, or mechanically through an air-conditioning system, but not from open doors or unscreened windows.

### **114297. Safety Requirements**

(a) (1) All liquefied petroleum equipment shall be installed to meet applicable fire authority standards and this installation shall be approved by the fire authority. However, for units subject to Part 2 (commencing with Section 18000) of Division 13, this equipment and its installation shall comply with standards prescribed by Sections 18028 and 18029.5.

(2) A properly charged and maintained minimum 10 BC-rated fire extinguisher to combat grease fires and shall be properly mounted and readily accessible on the interior of each mobile food preparation unit or stationary mobile food preparation unit.

(b) A first-aid kit shall be provided and located in a convenient area in an enclosed case.

(c) Mobile food preparation units that operate at more than one location in any calendar day, shall comply with the following additional requirements:

(1) Coffee urns, deep fat fryers, steam tables, and similar equipment shall be equipped with positive closing lids that will prevent excessive spillage of hot liquids into the interior of the unit in the event of a sudden stop, collision, or overturn. For coffee urns, as an alternative to this requirement, the urn shall be installed in a compartment that will prevent excessive spillage of coffee in the interior of the unit. Metal protective devices shall be installed on the glass liquid level sight gauges on all coffee urns.

(2) (A) Except for units subject to Part 2 (commencing with Section 18000) of Division 13, a second means of exit shall be provided in the side opposite the main exit door, or in the roof, or the rear of the unit, with an unobstructed passage of at least 61 centimeters by 91 centimeters (24 inches by 36 inches). The interior latching mechanism shall be operable by hand without special tools or key. The exit shall be labeled "Safety Exit" in contrasting colors with at least 2.5-centimeters (one-inch) high letters.

(B) For units subject to Part 2 (commencing with Section 18000) of Division 13, the size, latching, and labeling of the second means of exit shall comply with standards prescribed by Sections 18028 and 18029.5.

**114298. Pass-Through Windows**

Pass-through window service openings shall be limited to 1394 square centimeters (216 square inches) each. The service openings may not be closer together than 46 centimeters (18 inches). Each opening shall be provided with a solid or screened window, equipped with a self-closing device. Screening shall be at least 16 mesh per square inch. With the exception of the service openings, the entire food preparation and food storage area shall be enclosed with a solid, easily cleanable material. The counter surface of the service openings shall be smooth and easily cleanable.

**114299. Electrical Power Requirements**

Adequate electrical power shall be provided to operate the approved exhaust, lighting, and refrigeration systems, and any other accessories and appliances that may be installed in a mobile food preparation unit or in a stationary mobile food preparation unit.

**114299.5. Water Supply and Wastewater Tanks, Toilet Facilities**

(a) A water supply tank of sufficient capacity to furnish an adequate quantity of potable water for food preparation, cleaning, and handwashing purposes shall be provided (minimum 114 liters (30 gallons)). Exterior hose-connection valves shall be at least five feet above the ground with an approved water connection, which is attached to the vehicle. The water supply shall be from an approved potable water source. The water system shall be designed and constructed using materials that enable water to be introduced without contamination. The water system shall deliver at least one gallon per minute to each sink basin in the unit.

(b) A water heater with a minimum capacity of 11.4 liters (three gallons) or an instantaneous heater capable of heating water to a minimum of 49 degrees Celsius (120 degrees Fahrenheit), interconnected with the potable water supply, shall be provided and shall operate independently of the vehicle engine. Hot and cold water, under pressure, shall be provided at handwashing and utensil washing sinks from mixing faucets.

(c) The liquid waste tank shall have a capacity at least 50 percent greater than the potable water tank. When ice is utilized in the storage or display of foods or beverages, an additional minimum liquid waste tank holding capacity equal to one-third of the volume of the ice bin shall be provided for drainage of the ice melt.

(d) All tanks, lines, couplings, valves, and all other plumbing shall be designed, installed, maintained, and constructed of materials that will not contaminate the water supply, food, utensils, or equipment.

(e) Water and wastewater storage tanks shall be installed so as to be easily drained, flushed, and cleaned with an easily accessible outlet. Breather tubes or overflow pipe openings shall be protected from the entrance of dust, insects, and other contamination. All waste lines shall be connected to the waste tank with watertight seals.

(f) Adequate toilet facilities for use by the food service personnel shall be available within 60 meters (200 feet) of the mobile food preparation unit or stationary

mobile food preparation unit whenever it is stopped to conduct business for more than a one-hour period.

(g) Hoses inside the mobile food preparation unit, stationary mobile food preparation unit, and potable water tank connectors shall have matching connecting devices. Devices for external cleaning shall not be used for potable water purposes inside the mobile food preparation unit or stationary mobile food preparation unit.

(h) Hoses and faucets equipped with quick connect and disconnect devices for these purposes shall be deemed to meet the requirements of this section.

(i) Mechanical refrigeration shall conform to the requirements of Section 113860.

## **Article 12.5. Commissaries**

### ***114300. Scope***

This article governs sanitation requirements for commissaries servicing mobile food preparation units, mobile food facilities, and mobile support units.

### ***114301. Applicable Requirements***

All commissaries, and other approved facilities shall meet the applicable requirements in Article 6 (commencing with Section 113975), Article 7 (commencing with Section 113990), and Article 8 (commencing with Section 114075).

### ***114302. Liquid and Solid Waste Disposal***

(a) Adequate facilities shall be provided for the sanitary disposal of liquid waste from the mobile food preparation unit or mobile food facility, or mobile support unit being serviced.

(b) Adequate facilities shall be provided for the handling and disposal of garbage and rubbish originating from the mobile food preparation unit or mobile food facility, or mobile support unit.

### ***114303. Potable Water Supply***

(a) Potable water shall be available for filling the water tanks of each mobile food preparation unit, mobile food facility, or mobile support unit that requires potable water. Faucets and other potable water sources shall be constructed, located, and maintained so as to minimize the possibility of contaminating the water being loaded.

(b) The hose used for filling water tanks shall be food grade, constructed of materials approved for potable water distribution, and shall be used for no other purposes. At all times, the hose shall be kept above the ground and protected from contamination. Liquid waste lines shall not be the same color as hoses used for potable water.

(c) Hot and cold water, under pressure, shall be available for cleaning the mobile food preparation unit, mobile food facility, or mobile support unit.

(d) The potable water supply shall be protected at all times from potential backflow. Approved backflow prevention devices shall be installed on the discharge side of all hose bibs.

**114304. Electrical Power Outlets**

Adequate electrical outlets shall be provided for mobile food preparation units or, mobile food facilities, or mobile support units that require electrical service. The outlets shall be constructed to comply with applicable electrical codes.

**114305. Mobile Support Unit Plan Review, Approval, Identification**

(a) A mobile support unit shall be subject to plan review and shall be approved by the enforcement agency. Requirements shall be based on the proposed method of operation and the number of mobile food facilities serviced.

(b) A mobile support unit shall meet all applicable requirements of Article 6 (commencing with Section 113975), Article 7 (commencing with Section 113990), and Article 8 (commencing with Section 114075).

(c) In addition, a mobile support unit shall meet all of the following conditions:

(1) Interior floors, sides, and top shall be free of cracks, seams, or linings where vermin may harbor, and shall be constructed of a smooth, washable, impervious material capable of withstanding frequent cleaning with approved sanitizing agents.

(2) A mobile support unit shall be constructed and operated so that no liquid wastes can drain onto any street, sidewalk, or premises.

(3) If the mobile support unit is used to transport potentially hazardous food, approved equipment to maintain food at the required temperatures shall be provided.

(4) Food, utensils, and supplies shall be protected from contamination.

(5) A separate storage area shall be provided for all poisonous substances, detergents, bleaches, cleaning compounds, and all other injurious or poisonous materials.

(6) A mobile support unit shall not be approved for utensil washing.

(7) The name of the mobile support unit, city, state, ZIP Code, and name of the permittee, if different from the name of the unit, shall be permanently affixed to both sides of the mobile support unit so as to be legible and clearly visible to patrons. The unit's name shall be in letters at least 8 centimeters (3 inches) in height and shall be of a color contrasting with the exterior of the mobile support unit. Letters and number for the city, state, ZIP Code, and name of the permittee may not be less than 2.5 centimeters (1 inch) in height.

(8) A mobile support unit shall report to a commissary or other approved facility for cleaning, servicing, and storage at least daily.

**Article 13. Temporary Food Facilities****114310. Scope**

This article governs sanitation requirements for temporary food facilities as defined in this chapter.

**114311. General Requirements**

Except as otherwise set forth in this article, temporary food facilities shall meet the applicable requirements in Article 6 (commencing with Section 113975) and Article 7 (commencing with Section 113990).

**114312. Food from an Approved Source**

All food that is sold, given away, or dispensed from a temporary food facility shall be from an approved source. No food prepared or stored in a private home may be used, stored, served, offered for sale, sold, or given away in a temporary food facility.

**114313. Identification of Operator**

The name of the facility, city, state, ZIP Code, and name of the permittee, if different from the name of the facility, shall be permanently affixed to both sides of the facility during all periods of operations so as to be legible and clearly visible to patrons. The facility's name shall be in letters at least 8 centimeters (3 inches) in height and shall be of a color contrasting with the exterior of the facility. Letters and numbers for the city, state, ZIP Code, and the name of the permittee may not be less than 2.5 centimeters (1 inch) in height.

**114314. Permit Requirements for Event Organizer**

(a) In addition to the permit issued to each complying temporary food facility, a permit shall be obtained by the person or organization responsible for facilities or equipment that are shared by two or more temporary food facilities operating at a community event.

(b) The permit application and site plan shall be submitted to the enforcement agency at least two weeks prior to the date that the community event is scheduled to commence.

(c) The site plan shall show the proposed locations of the temporary food facilities, restrooms, and all shared utensil washing, hand washing, and janitorial facilities.

**114315. Temperature Requirements for Potentially Hazardous Foods**

a) Notwithstanding Section 113995, during operating hours of the temporary food facility, potentially hazardous food may be held at a temperature not to exceed 7 degrees Celsius (45 degrees Fahrenheit) for up to 12 hours in any 24-hour period. At the end of the operating day, potentially hazardous food that has been held in accordance with this subdivision shall be placed in refrigeration units that maintain the food at or below 5 degrees Celsius (41 degrees Fahrenheit) or the food shall be destroyed in a manner approved by the local enforcement agency.

(b) At the end of the operating day potentially hazardous food that is held at or above 57.2 degrees Celsius (135 degrees Fahrenheit) shall be either destroyed in a manner approved by the local enforcement agency or donated in accordance with Article 19 (commencing with Section 114435), but may not be reserved in a food facility.

(c) Adequate cold food and hot food holding equipment shall be provided to insure proper temperature control during transportation and operation of the temporary food facility.

**114316. Live Animal Prohibition**

In addition to complying with Section 114045, live animals, birds, and fowl may not be kept or allowed within 6 meters (20 feet) of any area where food is stored or held for sale. All reasonable efforts shall be taken to exclude wild animals, birds, and fowl from the temporary food facility. This subdivision shall not apply to guide dogs, signal dogs, or service dogs when used in the manner specified in Section 54.1 of the Civil Code.

**114317. Equipment Standards**

Food-related and utensil-related equipment used in conjunction with a temporary food facility shall be approved by the local enforcement agency.

**114318. Ice restrictions**

Ice used for refrigeration purposes may not be used for consumption in food or beverages.

**114319. Operating Requirements**

(a) Adequate and suitable facilities shall be provided for the storage of food, utensils, and related items. During periods of operation, supplies and nonpotentially hazardous foods in unopened containers may be stored adjacent to the temporary food facility, or in unopened containers in an approved nearby temporary storage unit. An "unopened container" means a factory-sealed container that has not been previously opened, and that is suitably constructed to be resistant to contamination from moisture, dust, insects, and rodents.

(b) All food-related and utensil-related items shall be stored at least 15 centimeters (6 inches) above the floor and in a manner that will protect these items from sources of contamination.

(c) During periods of inoperation, food shall be stored in one of the following methods:

(1) Within a fully enclosed temporary food facility that is in compliance with Sections 114030 and 114145.

(2) In lockable food storage compartments or containers meeting both of the following conditions:

(A) The food is adequately protected at all times from contamination, exposure to the elements, ingress of rodents and other vermin, and temperature abuse.

(B) The storage compartments or containers have been approved by the local enforcement agency.

(3) Within a permitted food facility or other facility approved by the local enforcement agency.

**114320. Conditions of Transport**

During transportation to and from the temporary food facility and during operation of the temporary food facility, all food, food contact surfaces, and utensils shall be protected from contamination.

**114321. Toilet Facilities**

At least one toilet facility for each 15 employees shall be provided within 60 meters (200 feet) of each temporary food facility. Each toilet facility shall be provided with hand washing facilities equipped with hot and cold running water. Hand washing cleanser and single-use sanitary towels shall be provided in permanently installed dispensers at each hand washing facility. Temporary food facilities that handle only prepackaged foods may provide cold water with a germicidal soap in lieu of hot and cold running water at the hand washing facilities. The local enforcement agency may allow hand washing facilities other than those required by this section when it deems that the alternate facilities are adequate.

**114323. Employee Personal Effects Storage**

An area separate from food preparation, utensil washing, and food storage areas shall be provided for the storage of employee clothing or other personal effects. Personal effects shall be stored in a manner that prevents the contamination of food-related and utensil-related items.

**114324. Lighting**

Adequate lighting shall be provided.

**114325. Water Supply**

(a) An adequate supply of potable hot water, at least 48 degrees Celsius (120 degrees Fahrenheit) shall be provided for utensil washing, hand washing, and janitorial purposes. The water supply shall be from a source approved by the enforcement agency. The potable water supply shall be protected with a backflow or back siphonage protection device, as required by applicable plumbing codes.

(b) Adequate potable water shall be provided, commensurate with the food handling activities taking place in the temporary food facility. In addition to the water needed for food preparation and dispensing, at least 75.8 liters (20 gallons) of potable water shall be provided per temporary food facility per day of operation for utensil washing and hand washing.

(c) The inlet to a potable water tank shall be provided with a connection of a size and type that will prevent its use for any other service, and shall be constructed so that backflow and other contamination of the water supply is prevented. Hoses used to fill potable water tanks shall be made of food grade materials and handled in a sanitary manner.

**114326. Liquid Waste Facilities**

Adequate liquid waste holding facilities shall be provided and shall meet all of the following requirements:

(a) All liquid waste shall be disposed of in a manner approved by the enforcement agency.

(b) The liquid waste tanks shall have a minimum capacity that is 50 percent greater than the potable water tanks.

(c) When ice is utilized in the storage or display of foods or beverages, an additional minimum liquid waste holding tank capacity equal to one-third of the volume of the ice bins shall be provided for the drainage of ice melt.

(d) Additional liquid waste tank capacity may be required where liquid waste production or spillage is likely to occur.

(e) Any connection to a liquid waste holding tank shall preclude the possibility of contaminating any food, food contact surface, or utensils.

#### **114327. *Open-air Barbecue***

Open-air barbecue facilities may be operated adjacent only to those temporary food facilities that are permitted to handle the types of foods to be prepared on the barbecue and with the approval of the local enforcement officer and subject to the requirements of Article 9 (commencing with Section 114185). All other cooking equipment shall be installed and operated in compliance with all applicable local building and fire codes.

#### **114328. *Enforcement Officer Discretion in Imposing Requirements***

Based upon local environmental conditions, location, and other similar factors, the enforcement officer may establish additional structural or operational requirements, or both, as necessary to ensure that foods are of a safe and sanitary quality.

#### **114329. *Requirements for Prepackaged Foods***

In addition to complying with Sections 114310 to 114328, inclusive, temporary food facilities that handle only prepackaged foods shall also meet both of the following requirements:

(a) A durable and readily cleanable floor surface shall be provided within the temporary food facility.

(b) A temporary food facility shall be designed and operated so as to prevent contamination of food under normal operating conditions with regard to employee sanitation, and minimize exposure to airborne contaminants, birds, vermin, leaves, rain, condensation, and other forms of contamination. Overhead protection may be required by the enforcement agency in order to protect food products from contamination.

#### **114330. *Requirements for Nonprepackaged Foods***

In addition to complying with Sections 114310 to 114328, inclusive, temporary food facilities that handle nonprepackaged foods shall also meet all of the following requirements:

(a) Temporary food facilities shall be fully enclosed, meeting the requirements of Sections 114030 and 114145, except that temporary food facilities that handle only nonprepackaged nonpotentially hazardous food shall be fully enclosed, or, if approved by the local enforcement agency, all food handling activities shall take place within food compartments meeting the requirements of subdivision (o) of Section 114265.

(b) A durable and readily cleanable floor surface shall be provided within the temporary food facility.

(c) Walls shall be smooth, durable, and readily cleanable. Screening that is at least 16 mesh shall be considered an acceptable wall material for enclosing a temporary food facility.

(d) Ceilings shall be smooth, durable, and readily cleanable. Screening shall only be acceptable as a ceiling material above cooking equipment when necessary for ventilation purposes.

(e) Food condiments shall be protected from contamination and, where available for customer self-service, be prepackaged or available only from approved dispensing devices.

(f) A stainless steel utensil washing sink with at least three compartments with two integrally installed stainless steel drainboards shall be provided. The sink compartments and drainboards shall be large enough to accommodate the largest utensil or piece of equipment to be cleaned in the sink. The sink shall be provided with hot and cold running water from a mixing valve. The sink shall be located within each temporary food facility, except that one sink may be shared by no more than four temporary food facilities that handle only nonprepackaged nonpotentially hazardous food, if the sink is centrally located and is adjacent to the sharing facilities. The local enforcement agency may allow utensil washing facilities other than those required by this section when it deems that utensils can still be handled in a safe and sanitary manner.

(g) Hand washing facilities, separate from the utensil washing sink, shall be provided. The hand washing facilities shall be located within each temporary food facility, except that the facilities may be shared by no more than four temporary food facilities that handle only nonprepackaged nonpotentially hazardous food, if the facilities are centrally located and are adjacent to the sharing facilities. Each hand washing facility shall be equipped with hot and cold running water. Hand washing cleanser and single-use sanitary towels shall be provided in permanently installed dispensers at each hand washing facility. The local enforcement agency may allow hand washing facilities other than those required by this section when it deems that the alternate facilities are adequate.

## **Article 13.5 Nonprofit Charitable Temporary Food Facilities**

### **114332. Scope**

This article governs sanitation requirements for nonprofit charitable temporary food facilities.

#### **114332.1. Frequency and Duration of Operations**

Nonprofit charitable temporary food facilities may operate up to four times annually. These four time periods shall not exceed 72 hours each.

**114332.2. Hand washing, Utensil Washing, Liquid Waste, Toilet, Food Contact Surface Requirements**

(a) Except where all food and beverage is prepackaged, hand washing, and utensil washing facilities approved by the enforcement officer shall be provided within nonprofit charitable temporary food facilities.

(b) Facilities for the sanitary disposal of all liquid waste shall be subject to the approval of the enforcement officer.

(c) At least one toilet facility for each 15 employees shall be provided within 60 meters (200 feet) of each nonprofit charitable temporary food facility.

(d) Food contact surfaces shall be smooth, easily cleanable, and nonabsorbent.

**114332.3. Operational Requirements**

(a) No potentially hazardous food or beverage stored or prepared in a private home may be offered for sale, sold, or given away from a nonprofit charitable temporary food facility. Potentially hazardous food shall be prepared in a food establishment or on the premises of a nonprofit charitable temporary food facility.

(b) All food and beverage shall be protected at all times from unnecessary handling and shall be stored, displayed, and served so as to be protected from contamination.

(c) Potentially hazardous food and beverage shall be maintained at or below 7 degrees Celsius (45 degrees Fahrenheit) or at or above 57.2 degrees Celsius (135 degrees Fahrenheit) at all times.

(d) Ice used in beverages shall be protected from contamination and shall be maintained separate from ice used for refrigeration purposes.

(e) All food and food containers shall be stored off the floor on shelving or pallets located within the facility.

(f) Smoking is prohibited in nonprofit charitable temporary food facilities.

(g) (1) Except as provided in paragraph (2), live animals, birds, or fowl shall not be kept or allowed in nonprofit charitable temporary food facilities.

(2) Paragraph (1) does not prohibit the presence, in any room where food is served to the public, guests, or patrons, of a guide dog, signal dog, or service dog, as defined by Section 54.1 of the Civil Code, accompanied by a totally or partially blind person, deaf person, person whose hearing is impaired, or handicapped person, or dogs accompanied by persons licensed to train guide dogs for the blind pursuant to Chapter 9.5 (commencing with Section 7200) of Division 3 of the Business and Professions Code.

(3) Paragraph (1) does not apply to dogs under the control of uniformed law enforcement officers or of uniformed employees of private patrol operators and operators of a private patrol service who are licensed pursuant to Chapter 11.5 (commencing with Section 7580) of Division 3 of the Business and Professions Code, while these employees are acting within the course and scope of their employment as private patrol persons.

(4) The persons and operators described in paragraphs (2) and (3) are liable for any damage done to the premises or facilities by the dog.

(5) The dogs described in paragraphs (2) and (3) shall be excluded from food preparation and utensil wash areas. Aquariums and aviaries shall be allowed if enclosed so as not to create a public health problem.

(h) All garbage shall be disposed of in a sanitary manner.

(i) Employees preparing or handling food shall wear clean clothing and shall keep their hands clean at all times.

#### **114332.4. Additional Requirements**

The enforcement officer may establish additional structural or operational requirements as necessary to ensure that food is of a safe and sanitary quality.

#### **114332.5. Open-air barbecues**

Open-air barbecue facilities may be operated adjacent to nonprofit charitable temporary food facilities, and shall be subject to the requirements of Article 9 (commencing with Section 114185).

#### **114332.7. Authority to inspect and require permits**

Nothing in this article shall prevent a local enforcement agency from performing inspections of, or requiring permits for, any nonprofit charitable temporary food facility to ensure compliance with food safety provisions contained in this chapter.

## **Article 14. Produce Stands**

#### **114335. Scope**

This article governs sanitation requirements for produce stands as defined in this chapter.

#### **114340. Requirements**

(a) Produce stands operated by a producer selling or offering for sale produce or shell eggs, or both, are exempt from this chapter, provided the produce stand is operated on premises controlled by the producer.

(b) For purposes of this section, "producer" means a person or entity who produces shell eggs, fruits, nuts, or vegetables by practice of the agricultural arts upon land that the person or entity controls.

(c) Except as otherwise provided in this chapter, all other produce stands shall meet the requirements of Article 6 (commencing with Section 113975), Article 7 (commencing with Section 113990), and Article 8 (commencing with Section 114075).

(d) Notwithstanding subdivision (c), all other produce stands shall also meet all of the following requirements:

(1) All food shall be stored at least 46 centimeters (18 inches) off the floor, except that food stored in a walk-in refrigeration unit shall be stored at least 13 centimeters (5 inches) off the floor.

(2) Food preparation is prohibited.

(3) Foods, other than trimmed produce and shell eggs, shall not be kept at these food establishments. This shall not apply to retail dairy processing rooms.

(e) A produce stand shall have no more than one side open to the outside air during business hours.

## **Article 15. Certified Farmers' Markets**

### **114345. Scope**

This article governs general sanitation requirements for certified farmers' markets, as defined in this chapter.

### **114350. Requirements**

Certified farmers' markets shall meet the provisions of Article 6 (commencing with Section 113975) and, in addition, shall meet all of the following requirements:

(a) All food shall be stored at least 15 centimeters (6 inches) off the floor or ground or under any other conditions that are approved.

(b) Food preparation is prohibited at certified farmers' markets with the exception of the food samples. Distribution of food samples is allowed provided that the following sanitary conditions exist:

(1) Samples shall be kept in approved, clean, covered containers.

(2) All food samples shall be distributed by the producer in a sanitary manner.

(3) Clean, disposable plastic gloves shall be used when cutting food samples.

(4) Food intended for sampling shall be washed, or cleaned in another manner, of any soil or other material by potable water in order that it is wholesome and safe for consumption.

(5) Potable water shall be available for hand washing and sanitizing as approved by the local enforcement agency.

(6) Potentially hazardous food samples shall be maintained at or below 45 degrees Fahrenheit. All other food samples shall be disposed of within two hours after cutting.

(7) Utensil and hand washing water shall be disposed of in a facility connected to the public sewer system or in a manner approved by the local enforcement agency.

(8) Utensils and cutting surfaces shall be smooth, nonabsorbent, and easily cleaned or disposed of as approved by the local environmental health agency.

(c) Approved toilet and hand washing facilities shall be available within 60 meters (200 feet) of the premises of the certified farmers' market or as approved by the enforcement officer.

(d) No live animals, birds, or fowl shall be kept or allowed within 6 meters (20 feet) of any area where food is stored or held for sale. This subdivision does not apply to guide dogs, signal dogs, or service dogs when used in the manner specified in Section 54.1 of the Civil Code.

(e) All garbage and rubbish shall be stored, and disposed of, in a manner approved by the enforcement officer.

(f) Notwithstanding Article 11 (commencing with Section 114250), vendors selling food adjacent to, and under the jurisdiction and management of, a certified farmers' market may store, display, and sell from a table or display fixture apart from the vehicle, in a manner approved by the local enforcement agency.

(g) Notwithstanding Section 113895, temporary food facilities may be operated as a separate event adjacent to, and in conjunction with, certified farmers' markets that are operated as a community event by a nonprofit organization or a local government agency. The organization in control of the event at which one or more temporary food facilities operate shall comply with Section 114314.

### **114351. Raw Shell Eggs**

Raw shell eggs may be stored and displayed without refrigeration if all of the following conditions are met:

(a) The eggs were produced by poultry owned by the seller and collected on the seller's property.

(b) The eggs are not placed in direct sunlight during storage or display.

(c) Retail egg containers are prominently labeled "REFRIGERATE AFTER PURCHASE" or the seller posts a conspicuous sign advising consumers that the eggs are to be refrigerated as soon as practical after purchase.

(d) Retail egg containers are conspicuously identified as to the date of the pack.

(e) The eggs have been cleaned and sanitized.

(f) The eggs are not checked, cracked, or broken.

(g) Any eggs that are stored and displayed at temperatures of 90 degrees Fahrenheit or below and that are unsold after four days from the date of pack shall be stored and displayed at an ambient temperature of 7 degrees Celsius (45 degrees Fahrenheit) or below, diverted to pasteurization, or destroyed in a manner approved by the enforcement agency.

(h) Any eggs that are stored and displayed at temperatures above 90 degrees Fahrenheit that are unsold after four days from the date of pack shall be diverted to pasteurization or destroyed in a manner approved by the enforcement agency.

(i) This section shall become operative on January 1, 1998.

## **Article 16. Swap Meet Prepackaged Food Stands**

### **114355. Requirements**

(a) Swap meet prepackaged food stands operated by a swap meet operator offering prepackaged food for sale at a swap meet shall meet the requirements of Article 6 (commencing with Section 113975), Article 7 (commencing with Section 113990), and Article 8 (commencing with Section 114075).

(b) Notwithstanding subdivision (a), swap meet prepackaged food stands shall also meet the following requirements:

(1) Food preparation is prohibited.

(2) Foods, other than prepackaged foods, shall not be kept at these food facilities.

(3) Foods that are potentially hazardous as defined in Section 113845 may not be sold.

## **Article 17. Satellite Food Distribution Facilities**

### **114358. Scope**

This article governs general sanitation requirements for satellite food distribution facilities as defined in this chapter.

### **114359. Requirements**

All satellite food distribution facilities shall be subject to the applicable provisions of Article 6 (commencing with Section 113975) and Article 7 (commencing with Section 113990) and, in addition, shall meet all of the following requirements:

(a) All utensils and equipment shall be scrapped, cleaned, or sanitized as circumstances require.

(b) Utensils and equipment shall be handled and stored so as to be protected from contamination. Single-service utensils shall be contained only in sanitary containers or approved sanitary dispensers, stored in a clean, dry place until used, handled in a sanitary manner, and used once only.

### **114360. Permitted Activities**

Under the controls and conditions specified in this article, a satellite food distribution facility as defined in subdivision (b) of Section 113880 may do any of the following:

(a) Hold, portion, and dispense any foods that are prepared or prepackaged by the onsite food establishment or prepackaged by another approved source.

(b) Prepare foods other than potentially hazardous foods, remove the packaging of foods described in subdivision (a), prepare hot dogs, and coat ice cream bars with chocolate and nuts, if all food preparation and handling is within a compartment complying with subdivision (o) of Section 114265.

(c) Add condiments, sauces, garnishes, and similar accompaniments to foods at the time of sale, regardless of whether the accompaniments are potentially hazardous foods.

(d) Bake potatoes in enclosed ovens.

### **114361. Food Storage**

During periods of inoperation, a satellite food distribution facility as defined in subdivision (b) of Section 113880 may store foods, other than potentially hazardous foods, except prepackaged frozen potentially hazardous foods, in lockable food storage compartments or containers if all of the following conditions are met:

(a) The food is adequately protected at all times from contamination, exposure to the elements, ingress of rodents and other pests, and temperature abuse.

(b) The compartments or container have been approved by the enforcement officer.

**114362. Support by Onsite Food Establishment**

The onsite food establishment shall support a satellite food distribution facility as defined in subdivision (b) of Section 113880 by doing all of the following where appropriate:

- (a) Unpacking from bulk potentially hazardous foods.
- (b) Filling suitable dispensers with condiments.
- (c) Mixing, blending, forming, cooking or otherwise preparing all unpackaged potentially hazardous foods.
- (d) Heating to a minimum temperature of 57.2 degrees Celsius (135 degrees Fahrenheit) all potentially hazardous foods that are intended to be served or held hot.
- (e) Cooling, to the temperatures specified in Section 113995, potentially hazardous foods that are intended to be served or held cold.
- (f) Packing any unpackaged food into suitable, covered containers prior to transport.
- (g) Providing storage for foods not described in Section 114361 during periods of inoperation.
- (h) Cleaning and sanitizing all multiuse utensils and easily removable food contact surfaces in accordance with the requirements of Section 114090.

**114363. Restroom Requirements**

Restrooms shall comply with Section 114105 or Section 114110.

**114364. Exemption from Full Enclosure**

A satellite food distribution facility as defined in subdivision (b) of Section 113880 is exempt from Section 114030 if it is designed and operated with overhead protection, sneeze-guards and food container covers to assure that unpackaged food complies with Section 113980. The satellite food distribution facility shall be designed and operated so as to prevent contamination of food under normal operating conditions with regard to employee sanitation, and minimize exposure to airborne contaminants, birds, pests, leaves, rain, condensation, and customer contact. The operator shall immediately cease food preparation, holding, portioning, and dispensing at a satellite food distribution facility if unsanitary conditions exist whereby the food may become contaminated with filth or otherwise be rendered unwholesome.

**114365. Location**

A satellite food distribution facility as defined in subdivision (b) of Section 113880 may be moved, operated, or stored at any location within the perimeter. If the facility is to be stored, all food shall be removed and the facility shall be appropriately cleaned prior to storage. While stored, the facility shall be protected from contamination, tampering, and weather. Prior to reuse, it shall be recleaned and sanitized.

**114366. Requirements**

A satellite food distribution facility as defined in subdivision (b) of Section 113880 shall do all of the following:

(a) If unpackaged potentially hazardous food is held, portioned, or dispensed, have a two-compartment sink with integral drainboards with hot and cold water for cleaning and sanitizing multiuse utensils, when multiuse utensils are used.

(b) If there is a likelihood that employees may contact unpackaged food or food contact surfaces, have a hand washing sink and supplies as specified for mobile food facilities in subdivision (p) of Section 114265.

(c) If water is required for hand and utensil washing, the facility shall be connected to an approved potable water supply and sewer pursuant to Section 114100.

(d) If electricity is required for mechanical refrigeration or the operation of lights and equipment, the facility shall be connected to an approved power supply.

(e) Provide adequate lighting pursuant to Section 114170.

(f) If applicable, have equipment pursuant to Section 114065.

### **114367.5 Written Procedures**

(a) The enforcement agency shall review and approve written procedures, schedules, and record exemplars to assure all of the following:

(1) That in-place cleaning procedures for equipment and structures are adequate in frequency, soil removal, sanitizing, and disposal of wastewater, wash water, and refuse.

(2) That food transported to and from the onsite food establishment will not be exposed to contamination.

(3) That potentially hazardous food will be held at or below 7 degrees Celsius (45 degrees Fahrenheit)<sup>3</sup> or at or above 57.2 degrees Celsius (135 degrees Fahrenheit) at all times.

(b) This section shall apply to mobile food facilities that operate within a defined and securable perimeter as prescribed in subdivision (b) of Section 113880.

## **Article 18. Restricted Food Service Transient Occupancy Establishments, Agricultural Homestay**

### **114368. Scope**

This article governs general sanitation requirements for restricted food service transient occupancy establishments, as defined in Section 113870.

### **114370. Requirements**

Except as otherwise set forth in this article, restricted food service transient occupancy establishments shall meet the applicable requirements in Article 6 (commencing with Section 113975), Article 7 (commencing with Section 113990), and Article 8 (commencing with Section 114075).

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<sup>3</sup> Because of an error by the legislative analyst, the temperature requirement was raised to 45 degrees Fahrenheit from 41 degrees Fahrenheit.

**114375. Not a Private Home**

For purposes of Section 114015, a restricted food service transient occupancy establishment shall not be deemed to be a "private home" solely because the owner or operator thereof resides on the premises or prepares on the premises food for his or her consumption and that of his or her family.

**114380. Exemption from Required Signs in Guestrooms**

Notwithstanding Section 114021, restricted food service transient occupancy establishments shall not be required to post signs in toilet rooms in guestrooms.

**114385. Exemption from Prohibition of Live Animals**

Restricted food service transient occupancy establishments shall be exempt from the provisions of Section 114045; provided, however, that no live animal, bird, or fowl shall be kept or allowed in any portion of the premises where food for the registered guests of the establishment is used, stored, served, offered for sale, or given away. Aquariums and aviaries shall be allowed if enclosed so as not to create a public health problem.

**114390. Exemption from Equipment Standards**

Restricted food service transient occupancy establishments shall be exempt from Section 114065; provided, however, that the enforcement officer shall have the right to disapprove any new or replacement equipment that would create a public health problem.

**114395. Exemption from Requirement for Employee Changing Room**

Restricted food service transient occupancy establishments shall be exempt from the provisions of Section 114135; provided, however, that no person shall store clothing or personal effects in any area used for the storage or preparation of food.

**114400. Requirements for Sanitizing of Utensils and Equipment**

(a) All utensils and equipment shall be scrapped, cleaned, or sanitized as circumstances require.

(b) Restricted food service transient occupancy establishments shall comply with the provisions of subdivisions (b) to (e), inclusive, of Section 114090 or, at the option of the owner or operator of the establishment, shall utilize a domestic or commercial dishwasher for the purpose of cleaning and sanitizing multiservice kitchen utensils and multiservice consumer utensils; provided however, that such dishwasher is capable of providing heat to the surface of the utensils of a temperature of at least 165 degrees Fahrenheit. Except as otherwise set forth in this subdivision, restricted food service transient occupancy establishments shall comply with Section 114090.

**114405. Exemption from Indirect Sewer Connection Requirements**

Notwithstanding Section 114100, food preparation sinks in restricted food transient occupancy establishments need not have indirect sewer connections.

**114410. Exemption from Ventilation Requirements**

Restricted food service transient occupancy establishments shall be exempt from the provisions of Section 114140; provided, however, that ventilation shall be provided to remove gases, odors, steam, heat, grease, vapors and smoke from the food establishment. In the event that the enforcement officer determines that the ventilation must be mechanical in nature, the ventilation shall be accomplished by methods approved by the department.

**114415. Exemption from Construction Requirements**

In restricted food service transient occupancy establishments, only new and replacement walls and ceilings (or their coverings) need comply with Section 114155; provided, however, that all walls and ceilings (and their coverings) must be maintained in a clean and sanitary condition.

**114420. Exemption from Plumbing Requirements**

Restricted food service transient occupancy establishments shall be exempt from the provisions of subdivision (b) of Section 114165; provided, however, that hot water must be available for janitorial purposes and that waste water from janitorial activities cannot be disposed of in any sink used for washing utensils or for the preparation of food.

**114425. Exemption from Prohibition of Sleeping/Living Quarters**

Restricted food service transient occupancy establishments shall be exempt from Section 114175. However, no sleeping accommodations shall be allowed in any area where food is stored, prepared, or served.

**114430. Food from Approved Sources**

All food intended for consumption by guests shall be from an approved source. The use of home canned foods and meat and dairy products from unapproved sources is prohibited.

**Article 19. Food Facility Food Donations****114435. Donations of Food to Charity**

Any food facility may donate, free of charge, food to a food bank or to any other nonprofit charitable organization for distribution to persons free of charge.

**114440. Definition of Nonprofit Charitable Organization**

For the purposes of this article, "nonprofit charitable organization" means any organization that was organized and is operating for charitable purposes and meets the requirements of Section 214 of the Revenue and Taxation Code.

**114445. Definition of Food Bank**

For the purposes of this article, “food bank” means a surplus food collection and distribution system operated and established to assist in bringing donated food to nonprofit charitable organizations and individuals for the purpose of reducing hunger and nutritional needs.

**114450. Immunity from Civil Liability**

No food facility that donates food as permitted by this article shall be subject to civil or criminal liability or penalty for violation of any laws, regulations, or ordinances regulating the labeling or packaging of the donated product or, with respect to any other laws, regulations, or ordinances, for a violation occurring after the time of the donation.

**114455. Citation of Additional Immunities**

The immunities provided in this article and by Section 1714.25 of the Civil Code are in addition to any other immunities provided by law including those provided by Chapter 5 (commencing with Section 58501) of Part 1 of Division 21 of the Food and Agricultural Code.

**Article 20. Child Day Care Facilities, Community Care Facilities, and Residential Care Facilities for the Elderly****114460. Intent of the Legislature**

(a) The Legislature finds and declares that under a recent decision by the State Department of Health Services, child day care facilities, community care facilities, and residential care facilities for the elderly, have been deemed to come within the definition of food establishment as defined in Section 113780. The Legislature further finds and declares that if this decision is fully implemented, many of the child day care facilities, community care facilities, and residential care facilities for the elderly, would be adversely affected due to the stringent requirements of this chapter.

(b) It is the intent of the Legislature to temporarily exempt child day care facilities, community care facilities, and residential care facilities for the elderly from the requirements of this chapter, pending the enactment of separate statutory provisions for these facilities that would contain health and safety standards appropriate to these facilities.

**114465. Definitions**

For purposes of this article, the following definitions shall apply:

(a) “Child day care facilities” shall have the same meaning as defined in Section 1596.750.

(b) “Community care facilities” shall have the same meaning as defined in Section 1502.

(c) “Residential care facilities for the elderly” shall have the same meaning as defined in Section 1569.2.

**114470. Exemptions from CURFFL**

Child day care facilities, community care facilities, and residential care facilities for the elderly shall not be deemed to be either food establishments, as defined in Section 113780, or food facilities, as defined in Section 113785, and therefore, shall be exempt from this chapter.

**114475. Delegation to State Department of Social Services**

(a) The State Department of Social Services, in cooperation with the State Department of Health Services, shall develop proposed food preparation provisions for child day care facilities, community care facilities, and residential care facilities for the elderly that would carry out the intent of this chapter to ensure the health and safety of individuals and also that would not adversely affect those facilities that are safely operated. In developing proposed food preparation provisions for child day care facilities, the State Department of Social Services shall consult with the State Department of Education.

(b) The State Department of Social Services shall submit a recommendation of the proposed food preparation provisions to the Legislature no later than January 1, 1991.

(c) It is the intent of the Legislature to consider the recommended proposed food preparation provisions in the adoption of food preparation statutory requirements for child day care facilities, community care facilities, and residential care facilities for the elderly.

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**XYZ**

## **SUMMARY OF ADDITIONS, AMENDMENTS, AND DELETIONS**

### ***Legislative Changes in 2003***

#### ***AB 1738 –***

Sections amended: 113750, 113785, 113895, 113995, 113998, 114002, 114055, 114056, 114265, 114294, 114300, 114302, 114303, 114304, 114313, 114314, 114315, 114319, 114332.3, 114362, 114367.5<sup>4</sup>.

Sections added: 113750.1, 113817, 113841, 114287.5<sup>5</sup>, 114305.

Sections repealed: 114322

#### ***AB 1045 –***

Sections amended: 114260, 114265

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<sup>4</sup> The temperature designated for holding potentially hazardous food was amended to 45 degrees F in error.

<sup>5</sup> This section was added to Article 12 in error. It should have been added to Article 11.