

AMENDED IN ASSEMBLY APRIL 17, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1100

Introduced by Assembly Member Simitian

February 23, 2001

~~An act to add Sections 113948, 113948.1, and 113948.2 to the Health and Safety Code, relating to environmental health, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1100, as amended, Simitian. Retail food facilities: inspection information: *implementation grants*.

Existing law, the California Uniform Retail Food Facilities Law, provides for the regulation of health and sanitation standards for retail food facilities by the State Department of Health Services. ~~Violation of any of these provisions is a crime.~~

~~This bill would require the State Department of Health Services, in consultation with the California Conference of Directors of Environmental Health, representatives of the retail food industry, and other interested parties, on or before January 1, 2003, to establish standardized uniform procedures for local health agencies to report information to the department regarding each food facility inspection, reinspection, date of last inspection, period of any closure, and the facility name and address. It would require the department, within 30 days after it has established the standardized uniform procedures, to provide a written report disclosing these procedures to specified parties. The bill would provide that use of these procedures by local health agencies shall be voluntary.~~

~~This bill would also require the department, on or before January 1, 2003, to establish a standardized uniform food facility inspection format for local health agencies. It would provide that utilization of this format by local health agencies shall also be voluntary.~~

~~This bill would authorize each local health agency, commencing July 1, 2003, to report food facility inspection information on an Internet website to the department in accordance with the above procedures.~~

Existing law requires the State Department of Health Services to establish a standardized food facility inspection format on or before January 1, 2002, and requires each local health agency to utilize this format.

Existing law also requires the department, in consultation with local environmental health officers, representatives of the retail food industry, and other interested parties, on or before January 1, 2002, to establish standardized procedures for local health agencies to report information regarding each food facility inspection, reinspection, date of last inspection, period of any closure, and the facility name and address.

This bill would authorize the department to award implementation grants to counties that elect to utilize the *existing* standardized uniform food facility inspection format and reporting procedures ~~provided for in the bill~~. The bill would appropriate an unspecified sum from the General Fund to the department for purposes of awarding the implementation grants, *to be deposited into the Retail Food Facility Inspection and Reporting Implementation Grant Fund, which would be created by the bill for purposes of providing these grants.*

Vote: ²/₃. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1.—The Legislature hereby finds and declares all of~~
- 2 ~~the following:~~
- 3 ~~(a) Food facility inspection information is currently developed~~
- 4 ~~by each local health agency. Some agency information is~~
- 5 ~~developed in an electronic format and some information may be~~
- 6 ~~developed and provided only in paper form. These various~~
- 7 ~~methods of reporting food facility inspection information can be~~
- 8 ~~confusing to food facility owners and the public.~~



1 ~~(b) In the event that food facility inspection information is only~~
2 ~~in paper format or not in a standardized uniform electronic format,~~
3 ~~the public agencies may not be able adequately and efficiently to~~
4 ~~evaluate inspection information, identify sanitation problems, and~~
5 ~~track food-borne illness.~~

6 ~~(c) If food facility inspection information is provided in a~~
7 ~~single standardized uniform electronic format that every public~~
8 ~~agency could then use, such a standard approach would enable~~
9 ~~food facilities, local health agencies, and the public to save time~~
10 ~~and money that is now spent in reviewing and evaluating~~
11 ~~inconsistent information.~~

12 ~~(d)–~~

13 *SECTION 1. The Legislature finds and declares that*
14 *Americans now spend 40 percent of their food dollars at*
15 *restaurants compared with 27 percent in 1970, and are increasingly*
16 *interested in food facility inspection information being readily*
17 *available. Some states, such as Alaska, Florida, and Tennessee, as*
18 *well as some California counties, make food facility inspection*
19 *information available to interested persons through the Internet.*
20 ~~The Centers for Disease Control also makes passenger vessel~~
21 ~~sanitation inspection information available to interested persons~~
22 ~~through the Internet.~~

23 ~~(e) It is the policy of the state to employ standardized uniform~~
24 ~~electronic data formats and transmission protocols for local health~~
25 ~~agencies to report food facility inspection information to the State~~
26 ~~Department of Health Services, and for the department to make~~
27 ~~this information available to interested persons.~~

28 ~~SEC. 2. Section 113948 is added to the Health and Safety~~
29 ~~Code, to read:~~

30 ~~113948. (a) On or before January 1, 2003, the department~~
31 ~~shall establish, and each local health agency may elect to utilize,~~
32 ~~a standardized uniform food facility inspection format for food~~
33 ~~facility inspections that includes all of the following:~~

34 ~~(1) The name and address of the food facility.~~

35 ~~(2) Identification of the following inspection criteria, which~~
36 ~~shall be the basis of the inspection report:~~

37 ~~(A) Improper holding temperatures.~~

38 ~~(B) Inadequate cooking.~~

39 ~~(C) Poor food handler personal hygiene.~~

40 ~~(D) Contaminated equipment.~~



1 ~~(E) Food from unsafe sources.~~

2 ~~(F) Any other violation of this chapter, which shall be~~
3 ~~identified by reference to items and sections of this part, or the~~
4 ~~regulations adopted pursuant to this part, relating to those items.~~

5 ~~(3) For each violation identified pursuant to paragraph (2),~~
6 ~~classification of the violation as a “minor violation” or “major~~
7 ~~violation.” Major violations are those violations that pose an~~
8 ~~imminent risk to public health and warrant immediate closure of~~
9 ~~the food establishment or immediate correction. Minor violations~~
10 ~~are those that do not pose an imminent public health risk, but do~~
11 ~~warrant correction.~~

12 ~~(b) A copy of the most recent inspection report shall be~~
13 ~~maintained at each food facility that elects to adopt the~~
14 ~~standardized uniform format. The food facility shall post a notice~~
15 ~~advising patrons that a copy of the most recent inspection report~~
16 ~~is available for review by interested parties.~~

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

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

23 ~~SEC. 3. Section 113948.1 is added to the Health and Safety~~
24 ~~Code, to read:~~

25 ~~113948.1. (a) (1) (A) On or before January 1, 2003, the~~
26 ~~department, in consultation with local health officers,~~
27 ~~representatives of the retail food industry, and other interested~~
28 ~~parties, shall establish standardized uniform procedures for local~~
29 ~~health agencies to report information regarding each food facility~~
30 ~~name and address, date of last inspection, identification of any~~
31 ~~major violation identified in a food facility inspection, the~~
32 ~~reinspection date, and period of closure, if applicable. Adoption of~~
33 ~~these procedures by local health agencies shall be voluntary.~~

34 ~~(B) The department, in consultation with local health officers,~~
35 ~~representatives of the retail food industry, and other interested~~
36 ~~parties, may periodically review and revise the standardized~~
37 ~~uniform procedures established pursuant to subparagraph (A) to~~
38 ~~ensure that the required information can be reported and made~~
39 ~~available in the most efficient, timely, and cost-effective manner.~~



1 ~~(2) The standardized uniform procedures established pursuant~~
2 ~~to paragraph (1) shall include a standardized uniform electronic~~
3 ~~format and protocol for reporting the food facility inspection data~~
4 ~~in a timely manner to ensure the information is readily accessible,~~
5 ~~can be rapidly reported and, if needed, corrected, for each food~~
6 ~~facility that has been inspected or reinspected. If the local health~~
7 ~~agency determines that reported information is materially in error,~~
8 ~~that error shall be corrected within 48 hours after that~~
9 ~~determination, or within 48 hours after the department is notified~~
10 ~~of that determination if the local health agency provides the food~~
11 ~~facility inspection information to the department.~~

12 ~~(3) The department may also establish standardized uniform~~
13 ~~procedures for reporting the information on magnetic media,~~
14 ~~including, but not limited to, floppy disks or magnetic tape.~~

15 ~~(b) To the fullest extent practicable to local health agencies, the~~
16 ~~department shall ensure that the standardized uniform electronic~~
17 ~~format and protocol established pursuant to subdivision (a) meets~~
18 ~~both of the following criteria:~~

19 ~~(1) The standardized uniform format and protocol conforms~~
20 ~~with, or is compatible with, data interchange formats and protocols~~
21 ~~already in use for moving data from computer to computer, so that~~
22 ~~the standardized uniform format may be implemented promptly,~~
23 ~~without the need for research and development into untried~~
24 ~~formats and protocols.~~

25 ~~(2) The standardized uniform format and protocol~~
26 ~~accommodates the addition of new or revised data element~~
27 ~~specifications without requiring users to make costly~~
28 ~~modifications to the hardware or software that they employ to~~
29 ~~submit electronic data.~~

30 ~~(c) Within 30 days after the department has established the~~
31 ~~standardized uniform procedures pursuant to subdivision (a), the~~
32 ~~department shall provide a report disclosing these procedures to~~
33 ~~each local health agency, to any person who has filed a written~~
34 ~~request with the director for these procedures, and to interested~~
35 ~~persons through the department's Internet website. The~~
36 ~~department may charge a fee to any person who has filed a written~~
37 ~~request for the standardized uniform procedures that is reasonably~~
38 ~~related to the costs of providing this information.~~

39 ~~(d) Commencing July 1, 2003, each local health agency may~~
40 ~~report food facility inspection information on an Internet website~~



1 ~~or to the department in accordance with the standardized uniform~~
2 ~~procedures established pursuant to subdivision (a).~~

3 ~~(c) On or before January 1, 2004, the department shall establish~~
4 ~~a link to each Internet website utilized by participating local health~~
5 ~~agencies containing the food facility inspection information.~~

6 ~~SEC. 4.—Section 113948.2 is added to the Health and Safety~~
7 ~~Code, to read:~~

8 ~~113948.2.—~~

9 *SEC. 2. Section 113948 is added to the Health and Safety*
10 *Code, to read:*

11 *113948. (a) The department may shall award*
12 *implementation grants to counties that elect to utilize the*
13 *standardized uniform food facility inspection format and reporting*
14 *procedures provided for in Sections ~~113948 and 113948.1~~ 113946*
15 *and 113947. Participating counties shall be eligible to apply to the*
16 *department for implementation grants pursuant to application*
17 *procedures to be developed by the department.*

18 ~~SEC. 5.—~~

19 *(b) The Retail Food Facility Inspection and Reporting*
20 *Implementation Grant Fund is hereby created in the State Treasury*
21 *and, notwithstanding Section 13340 of the Government Code, is*
22 *continuously appropriated to the department for the purpose of*
23 *providing grants pursuant to this section. Notwithstanding Section*
24 *16305.7 of the Government Code, any moneys received by the*
25 *department pursuant to this section, and any other sources,*
26 *repayments, interest, or new appropriations shall be deposited in*
27 *the fund.*

28 *SEC. 3. The sum of \$ ____ dollars (\$____) is hereby*
29 *appropriated from the General Fund to the State Department of*
30 *Health Services for the purpose of awarding the implementation*
31 *grants authorized by Section ~~113948.2~~ 113948 of the Health and*
32 *Safety Code, and shall be deposited into the Retail Food Facility*
33 *Inspection and Reporting Implementation Grant Fund created by*
34 *Section 113948 of the Health and Safety Code.*

