

Introduced by Senator George Runner

February 3, 2005

An act to repeal and add Part 7 (commencing with Section 113700) of Division 104 of the Health and Safety Code, relating to retail food.

LEGISLATIVE COUNSEL'S DIGEST

SB 144, as introduced, George Runner. Retail food.

The California Uniform Retail Food Facilities Law (CURFFL) provides for the regulation of health and sanitation standards for retail food facilities by the State Department of Health Services and is primarily enforced by local health agencies. CURFFL prohibits a food facility from opening for business without a valid permit issued by the local enforcement agency. A violation of any provision of CURFFL is a misdemeanor.

This bill would repeal CURFFL and would recast and revise its provisions by creating the California Retail Food Code. By creating new crimes and enforcement responsibilities, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. Part 7 (commencing with Section 113700) of
2 Division 104 of the Health and Safety Code is repealed.

3 SEC. 2. Part 7 (commencing with Section 113700) is added to
4 Division 104 of the Health and Safety Code, to read:

5
6
7
8
9

PART 7. CALIFORNIA RETAIL FOOD CODE

CHAPTER 1. GENERAL PROVISIONS

10 113700. These provisions shall be known as the California
11 Retail Food Code, hereafter referred to as “this part.”

12 113703. The purpose of this part is to safeguard public health
13 and provide to consumers food that is safe, unadulterated, and
14 honestly presented through adoption of science-based standards.

15 113705. The Legislature finds and declares that the public
16 health interest requires that there be uniform statewide health and
17 sanitation standards for retail food facilities to assure the people
18 of this state that the food will be pure, safe, and unadulterated.
19 Except as provided in Section 113709, it is the intent of the
20 Legislature to occupy the whole field of health and sanitation
21 standards for retail food facilities, and the standards set forth in
22 this part and regulations adopted pursuant to this part shall be
23 exclusive of all local health and sanitation standards relating to
24 retail food facilities.

25 113707. The department shall adopt regulations to implement
26 and administer this part.

27 113709. Nothing in this part shall prohibit a local governing
28 body from adopting an evaluation or grading system for food
29 facilities, from prohibiting any type of food facility, from
30 adopting an employee health certification program, or from
31 regulating the provision of patron toilet and handwashing
32 facilities.

33 113711. In all laws and regulations, references to Chapter 4
34 (commencing with Section 113700) or the California Uniform
35 Retail Food Facilities Law, shall mean this part or the California
36 Retail Food Code.

37 113713. (a) Primary responsibility for enforcement of this
38 part shall be with the local enforcement agency. Nothing in this

1 part shall prevent the department from taking any necessary
2 program or enforcement actions for the protection of the public
3 health and safety.

4 (b) The department shall provide technical assistance, training,
5 standardization, program evaluation, and other services to local
6 health agencies as necessary to ensure the uniform interpretation
7 and application of this part.

8 (c) Whenever the enforcement of the requirements of this part
9 by any local enforcement agency is satisfactory to the
10 department, the enforcement of this part shall not be duplicated
11 by the department. The department shall investigate to determine
12 satisfactory enforcement of this part by evaluating the program of
13 each local enforcement agency at least once every three years.
14 The department shall prepare a report of the evaluation and list
15 any program improvements needed.

16 113715. Any construction, alteration, remodeling, or
17 operation of a food facility shall be approved by the enforcement
18 agency and shall be in accordance with all applicable local, state,
19 and federal statutes, regulations, and ordinances, including but
20 not limited to, fire, building, and zoning codes.

21 113717. (a) Any person requesting the department to
22 undertake any activity pursuant to Sections 114417 and 114419.3
23 shall pay the department's costs incurred in undertaking the
24 activity. The department's services shall be assessed at the
25 current hourly cost-recovery rate, and it shall be entitled to
26 recover any other costs reasonably and actually incurred in
27 performing those activities, including, but not limited to, the
28 costs of additional inspection and laboratory testing. For
29 purposes of this section, the department's hourly rate shall be
30 adjusted annually in accordance with Section 100425.

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

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

37 113719. Structural and sanitation requirements shall be based
38 on the food service activity to be conducted, the type of food that
39 is to be prepared or served, and the extent of food preparation
40 that is to be conducted at the food facility.

1 113725. (a) The enforcement agency shall utilize a
2 standardized food facility inspection format for food facility
3 inspections that includes all of the following:

- 4 (1) The name and address of the food facility.
- 5 (2) Identification of the following inspection criteria, which
6 shall be the basis of the inspection report:
 - 7 (A) Improper holding temperatures of potentially hazardous
8 foods.
 - 9 (B) Improper cooling of potentially hazardous foods.
 - 10 (C) Inadequate cooking of potentially hazardous foods.
 - 11 (D) Poor personal hygiene of food employees.
 - 12 (E) Contaminated equipment.
 - 13 (F) Food from unapproved sources.

14 (3) For each violation identified pursuant to paragraph (2),
15 classification of the violation as a minor violation or major
16 violation.

17 (b) An enforcement agency may modify the format to add
18 criteria to those specified pursuant to paragraph (2) of
19 subdivision (a), if both of the following conditions are met:

- 20 (1) The additional criteria are based on other provisions of this
21 part.
- 22 (2) A violation is identified by reference to items and sections
23 of this part, or the regulations adopted pursuant to this part
24 relating to those items, if a food facility is cited for a violation of
25 the additional criteria.

26 (c) This section shall not restrict the ability of the enforcement
27 agency to inspect and report on criteria other than those subject
28 to regulation under this part.

29 113725.1. A copy of the most recent routine inspection report
30 conducted to assess general compliance with this part shall be
31 maintained at the food facility and made available upon request.
32 The food facility shall post a notice advising patrons that a copy
33 of the most recent routine inspection report is available for
34 review by any interested party.

35 113725.2. The department and local enforcement agencies
36 shall conduct routine training on food facility inspection
37 standardization to promote the uniform application of inspection
38 procedures.

39 113725.3. (a) The department shall publish standardized
40 procedures for enforcement agencies to report food facility

1 inspection information regarding each food facility. The report
2 shall include all of the following:

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

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

16 (c) (1) The standardized procedures established pursuant to
17 this section shall include a standardized electronic format and
18 protocol for reporting the food facility inspection data in a timely
19 manner, and shall strive to ensure that the information is readily
20 accessible, can be rapidly reported, and, if necessary, corrected,
21 for each food facility that has been inspected or reinspected. If
22 the enforcement agency determines that reported information is
23 materially in error, that error shall be corrected within 48 hours
24 after that determination.

25 (2) The department may establish standardized procedures for
26 reporting the information on electronic media, including, but not
27 limited to, floppy disks or compact disks.

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

31 (e) (1) Each enforcement agency that reports food facility
32 inspection information on an Internet Web site shall report the
33 information in accordance with the standardized procedures
34 established pursuant to this section.

35 (2) This section shall not restrict the ability of an enforcement
36 agency to report on matters other than matters subject to
37 regulation under this part.

38 (f) The department may establish a link to each Internet Web
39 site utilized by any enforcement agency containing the food
40 facility inspection information pursuant to subdivision (e).

CHAPTER 2. DEFINITIONS

1
2

3 113728. The following definitions apply in the interpretation
4 and application of this part.

5 113729. “Food additive” has the meaning stated in Section
6 109940. “Color additive” has the meaning stated in Section
7 109895.

8 113732. “Adulterated” means:

9 (a) Food that bears or contains any poisonous or deleterious
10 substance that may render the food impure or injurious to health.

11 (b) Food that is manufactured, prepared, or stored in a manner
12 that deviates from a HACCP plan so as to pose a discernable
13 increase in risk.

14 113734. “Approved” means acceptable to the enforcement
15 agency based on a determination of conformity with applicable
16 laws, or, in the absence of applicable laws, current public health
17 principles, practices, and generally recognized industry standards
18 that protect public health.

19 113735. “Approved source” means a producer, manufacturer,
20 distributor, transporter that meets the requirements of Section
21 113982, or food facility that is acceptable to the enforcement
22 agency based on a determination of conformity with applicable
23 laws, or, in the absence of applicable laws, with current public
24 health principles and practices, and generally recognized industry
25 standards that protect public health.

26 113737. “ a_w ” means water activity that is a measure of the
27 free moisture in a food, is the quotient of the water vapor
28 pressure of the substance divided by the vapor pressure of pure
29 water at the same temperature, and is indicated by the symbol a_w .

30 113739. “Beverage” means a liquid for drinking, including
31 water.

32 113742. “Certified farmers’ market” means a location that is
33 certified by the State of California through the enforcement
34 officers of the county agricultural commissioners and operated
35 pursuant to Chapter 10.5 (commencing with Section 47000) of
36 Division 17 of the Food and Agricultural Code and regulations
37 adopted pursuant to that chapter.

38 113744. “C.F.R.” means the Code of Federal Regulations.
39 Citations in this part to the C.F.R. refer sequentially to the Title,

1 Part, and Section numbers, such as 21 C.F.R. 178.1010 refers to
2 Title 21, Part 178, Section 1010.

3 113746. “Child day care facility” means a facility that
4 provides nonmedical care to children under 18 years of age in
5 need of personal services, supervision, or assistance essential for
6 sustaining the activities of daily living or for the protection of the
7 individual on less than a 24-hour basis. “Child day care facility”
8 includes day care centers, employer-sponsored child care centers,
9 and family day care homes.

10 113747. (a) “CIP” means cleaned in place by the circulation
11 or flowing by mechanical means through a piping system of a
12 detergent solution, water rinse, and sanitizing solution onto or
13 over equipment surfaces that require cleaning, such as the
14 method used, in part, to clean and sanitize a frozen dessert
15 machine.

16 (b) “CIP” does not include the cleaning of equipment such as
17 band saws, slicers, or mixers that are subjected to in-place
18 manual cleaning without the use of a CIP system.

19 113748. “Comingle” means:

20 (a) To combine shellstock harvested on different days or from
21 different growing areas as identified on the tag or label.

22 (b) To combine shucked shellfish from containers with
23 different container codes or different shucking dates.

24 113750. (a) “Comminuted” means reduced in size by
25 methods including chopping, flaking, grinding, or mincing.

26 (b) “Comminuted” includes fish or meat products that are
27 reduced in size and restructured or reformulated including, but
28 not limited to, gefilte fish, formed roast beef, gyros, ground beef,
29 sausage, and a mixture of two or more types of meat that have
30 been reduced in size and combined, including, but not limited to,
31 sausages made from two or more meats.

32 113751. “Commissary” means a food facility that services
33 mobile food facilities, mobile support units, or vending machines
34 where all of the following occur:

35 (a) Food, containers, or supplies are stored.

36 (b) Food is prepared or prepackaged for sale or service at other
37 locations.

38 (c) Utensils are cleaned.

39 (d) Liquid and solid wastes are disposed, or potable water is
40 obtained.

1 113753. “Community care facility” means any facility, place,
2 or building that is maintained and operated to provide
3 nonmedical residential care, day treatment, adult day care, or
4 foster family agency services for children, adults, or children and
5 adults, including, but not limited to, the physically handicapped,
6 mentally impaired, incompetent persons, and abused or neglected
7 children, and those persons described in Section 1502.

8 113755. “Community event” means an event that is of civic,
9 political, public, or educational nature, including state and county
10 fairs, city festivals, circuses, and other public gathering events
11 approved by the local enforcement agency.

12 113756. “Condiment” means a nonpotentially hazardous food,
13 such as relishes, spices, sauces, confections, or seasonings, that
14 requires no additional preparation, and that is used on a food
15 item, including, but not limited to, ketchup, mustard,
16 mayonnaise, sauerkraut, salsa, salt, sugar, pepper, or chile
17 peppers.

18 113757. “Consumer” means a person who is a member of the
19 public, takes possession of food, is not functioning in the
20 capacity of an operator of a food facility, and does not offer the
21 food for resale.

22 113759. “Control point” means any distinct procedure or step
23 in receiving, storing, handling, preparing, displaying,
24 transporting, or dispensing a food.

25 113760. “Critical control point” means a point or procedure in
26 a specific food system where loss of control may result in an
27 unacceptable health risk.

28 113761. “Critical limit” means the maximum or minimum
29 value to which a physical, biological, or chemical parameter must
30 be controlled at a critical control point to minimize the risk that
31 the identified food safety hazard may occur.

32 113763. “Department” means the State Department of Health
33 Services.

34 113767. (a) “Easily cleanable” means a characteristic of a
35 surface that meets any of the following criteria:

36 (1) Allows effective removal of soil or food residue by normal
37 cleaning methods.

38 (2) Is dependent on the material, design, construction, and
39 installation of the surface.

1 (3) Varies with the likelihood of the surface’s role in
2 introducing pathogenic or toxigenic agents or other contaminants
3 into food based on the surface’s approved placement, purpose,
4 and use.

5 (b) “Easily cleanable” includes a tiered application of the
6 criteria that qualify the surface as easily cleanable pursuant to
7 subdivision (a) to different situations in which varying degrees of
8 cleanability are required such as any of the following:

9 (1) The appropriateness of stainless steel for a food
10 preparation surface, as opposed to the lack of need for stainless
11 steel, to be used for floors or for tables used for consumer dining.

12 (2) The need for a different degree of cleanability for a
13 utilitarian attachment or accessory in the kitchen as opposed to a
14 decorative attachment or accessory in the consumer dining area.

15 113768. “Easily movable” means either of the following:

16 (a) Portable; mounted on casters, gliders, or rollers so as to be
17 moveable by one person; or provided with a mechanical means to
18 safely tilt or move a unit of equipment for cleaning.

19 (b) Having no utility connection, a utility connection that
20 disconnects quickly, or a flexible utility connection line of
21 sufficient length to allow the equipment to be moved for cleaning
22 of the equipment and adjacent area.

23 113769. “Egg” means the shell egg of the domesticated
24 chicken, turkey, duck, goose, or guinea.

25 113770. “Employee” means the permitholder, person in
26 charge, person having supervisory or management duties, person
27 on the payroll, family member, volunteer, person performing
28 work under contractual agreement, or other person working in a
29 food facility.

30 113773. “Enforcement agency” means the department and all
31 local health agencies.

32 113774. “Enforcement officer” means the director, agents, or
33 environmental health specialists appointed by the Director of
34 Health Services, and all local health officers, directors of
35 environmental health, and their duly authorized registered
36 environmental health specialists and environmental health
37 specialist trainees.

38 113777. (a) “Equipment” means an article that is used in the
39 operation of a food facility, including, but not limited to, a
40 freezer, grinder, hood, icemaker, meat block, mixer, oven,

1 reach-in refrigerator, scale, food and utensil shelving and
2 cabinets, sink, slicer, stove, table, temperature measuring device
3 for ambient air, vending machine, or warewashing machine.

4 (b) “Equipment” does not include items used for handling or
5 storing large quantities of prepackaged foods that are received
6 from a supplier in a cased or overwrapped lot, such as hand
7 trucks, forklifts, dollies, pallets, racks, and skids.

8 113778. “Exclude” means to prevent a person from working
9 as a food employee or entering a food facility except for those
10 areas open to the general public.

11 113779. (a) “Fish” means fresh or saltwater finfish,
12 crustaceans, and other forms of aquatic life, including alligator,
13 frog, aquatic turtle, jellyfish, sea cucumber, sea urchin, and the
14 roe of these animals, other than birds or mammals, and all
15 molluscan shellfish, if intended for human consumption.

16 (b) “Fish” includes a product derived in whole or in part from
17 fish, including fish that have been processed in any manner.

18 113781. “Food” means a raw, cooked, or processed edible
19 substance, ice, beverage, an ingredient used or intended for use
20 or for sale in whole or in part for human consumption, and
21 chewing gum.

22 113783. “Food bank” means a surplus food collection and
23 distribution system operated and established to assist in bringing
24 donated food to nonprofit charitable organizations and
25 individuals for the purposes of reducing hunger and supplying
26 nutritional needs.

27 113784. “Food compartment” means an enclosed space with
28 all of the following characteristics:

29 (a) The space is defined by a physical barrier from the outside
30 environment that completely encloses all food, food-contact
31 surfaces, and the handling of nonprepackaged food.

32 (b) All access openings are equipped with tight-fitting
33 closures, or one or more alternative barriers that effectively
34 protect the food from contamination, facilitate safe food
35 handling, while minimizing exposure to the environment.

36 (c) It is constructed from materials that are nontoxic, smooth,
37 easily cleanable, and durable and is constructed to facilitate the
38 cleaning of the interior and exterior of the compartment.

39 113786. “Food-contact surface” means either of the
40 following:

1 (a) A surface of equipment or a utensil with which food
2 normally comes into contact.

3 (b) A surface of equipment or a utensil from which food may
4 drain, drip, or splash into a food or on to a surface normally in
5 contact with food.

6 113788. “Food employee” means an employee working with
7 food, food equipment or utensils, or food-contact surfaces.

8 113789. (a) “Food facility” means an operation where food is
9 stored, prepared, prepackaged, served, sold, or where food is
10 otherwise provided for human consumption at the retail level,
11 including, but not limited to the following:

12 (1) A restaurant, satellite or catered feeding location, catering
13 operation if the operation provides food directly to a consumer or
14 to a conveyance used to transport people, market, vending
15 location, institution, or food bank that relinquishes possession of
16 food to a consumer directly or indirectly through a delivery
17 service such as home delivery of grocery orders or restaurant
18 takeout orders.

19 (2) An operation that is conducted in a mobile, temporary, or
20 permanent food facility or location where the food is consumed
21 on or off the premises, regardless of whether there is a charge for
22 the food.

23 (3) Any place used in conjunction with the operations
24 described in this subdivision, including, but not limited to,
25 storage facilities for food-related utensils, equipment, and
26 materials.

27 (b) “Food facility” includes permanent and nonpermanent
28 food facilities, including, but not limited to, the following:

29 (1) Public and private school cafeterias.

30 (2) Restricted food service facilities.

31 (3) Supervised care facilities.

32 (4) Commissaries.

33 (5) Mobile food facilities.

34 (6) Mobile support units.

35 (7) Temporary food facilities.

36 (8) Vending machines.

37 (9) Certified farmers’ markets, for purposes of permitting and
38 enforcement.

39 (c) “Food facility” does not include any of the following:

1 (1) A private home, a church and nonprofit charitable
2 organization that gives or sells food to its members and guests, or
3 a for-profit entity that gives or sells food to members and guests
4 for the benefit of a nonprofit association, if the for-profit entity
5 receives no monetary benefit, other than that resulting from
6 recognition from participating in an event.

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

11 (3) Premises operated by a producer, selling or offering for
12 sale only whole produce grown by the producer, or shell eggs, or
13 both, provided the sales are conducted on premises controlled by
14 the producer.

15 (4) A commercial food processing plant as defined in Section
16 111955.

17 113791. “Food preparation” means packaging, processing,
18 assembling, portioning, or any operation that changes the form,
19 flavor, or consistency of food, but does not include trimming of
20 produce.

21 113794. “Food safety program” means any city, county, or
22 city and county program that requires, at a minimum, either of
23 the following:

24 (a) The training of one or more individuals, whether
25 denominated as “owners,” “managers,” “handlers,” or otherwise,
26 relating in any manner to food safety issues.

27 (b) Individuals to pass a food safety certification examination.

28 113794.1. “Food handler program” means any city, county, or
29 city and county program that requires that all or a substantial
30 portion of the employees of a food facility who are involved in
31 the preparation, storage, service, or handling of food products,
32 engage in an approved food safety training or pass an approved
33 food safety certification examination, or both.

34 113795. (a) “Game animal” means an animal, the products of
35 which are food, that is not classified as cattle, sheep, swine, goat,
36 horse, mule, or other equine in 9 C.F.R. 301, as poultry in 9
37 C.F.R. 381, or as fish as defined under Subpart 1–201.10(B)(31)
38 of the Food and Drug Administration 2001 Food Code.

39 (b) “Game animal” includes mammals such as reindeer, elk,
40 deer, antelope, water buffalo, bison, rabbit, squirrel, opossum,

1 raccoon, nutria, or muskrat, and nonaquatic reptiles such as land
2 snakes.

3 (c) “Game animal” does not include ratites such as ostrich,
4 emu, and rhea.

5 113797. “Grade A standards” means the requirements of the
6 United States Public Health Service/FDA “Grade A Pasteurized
7 Milk Ordinance” and “Grade A Condensed and Dry Milk
8 Ordinance” with which certain fluid and dry milk and milk
9 products comply.

10 113799. “HACCP” means a Hazard Analysis Critical Control
11 Point.

12 113801. “HACCP plan” means a written document that
13 delineates the formal procedures for following the Hazard
14 Analysis Critical Control Point principles developed by the
15 National Advisory Committee on Microbiological Criteria for
16 Foods and complies with the requirements of Section 114419.1.

17 113803. “Hazard” means a biological, chemical, or physical
18 property that may cause an unacceptable public health risk.

19 113804. “Hearing officer” means a local health officer, a
20 director of environmental health, or his or her designee.

21 113805. “Hermetically sealed container” means a container
22 that is designed and intended to be secure against the entry of
23 micro-organisms and, in the case of low acid canned foods, to
24 maintain the commercial sterility of its contents after processing.

25 113806. “Highly susceptible population” means a group of
26 persons who are more likely than other populations to experience
27 foodborne illness because they are immunocompromised or older
28 adults or children and includes, but is not limited to, persons at
29 supervised care facilities.

30 113810. “Imminent health hazard” means a significant threat
31 or danger to health that is considered to exist when there is
32 evidence sufficient to show that a product, practice,
33 circumstance, or event creates a situation that can cause food
34 infection, food intoxication, disease transmission, vermin
35 infestation, or hazardous condition that requires immediate
36 correction or cessation of operation to prevent injury, illness, or
37 death.

38 113812. “Impound” means the legal control exercised by the
39 enforcement officer over the use, sale, disposal, or removal of
40 any food, equipment, or utensils.

1 113814. “Injected” means manipulating a meat so that
2 infectious or toxigenic microorganisms may be introduced from
3 its surface to its interior through tenderizing with deep
4 penetration or injecting the meat by processes that may be
5 referred to as “injecting,” “pinning,” or “stitch pumping.”

6 113815. “Juice” means the aqueous liquid expressed or
7 extracted from one or more fruits or vegetables, purees of the
8 edible portions of one or more fruits or vegetables, or any
9 concentrates of such liquid or puree. “Juice” includes juice as a
10 beverage, an ingredient of a beverage, and a puree as an
11 ingredient of a beverage.

12 113816. “Law” means applicable local, state, and federal
13 statutes, regulations, and ordinances.

14 113818. (a) “Limited food preparation” means food
15 preparation that is restricted to one or more of the following:

16 (1) Heating, frying, baking, roasting, popping, blending, or
17 assembly of nonprepackaged food.

18 (2) Bulk dispensing of nonpotentially hazardous beverages.

19 (3) Holding, portioning, and dispensing of any foods that are
20 prepared for satellite food service by the onsite permanent food
21 facility or prepackaged by another approved source.

22 (4) Slicing and chopping of food on a cooking surface.

23 (5) Cooking and seasoning to order.

24 (b) “Limited food preparation” does not include thawing,
25 cooling of cooked potentially hazardous food, slicing, chopping,
26 or grinding of raw ingredients or potentially hazardous food,
27 reheating for hot holding, washing of foods, or cooking of
28 potentially hazardous foods for later use.

29 113820. “Linens” means fabric items such as cloth hampers,
30 cloth napkins, tablecloths, wiping cloths, and work garments,
31 including cloth gloves.

32 113821. “Major violation” means a violation of this part that
33 poses an imminent health hazard and warrants immediate closure
34 of the food facility or immediate correction.

35 113823. “Meat” means the flesh of animals used as food,
36 including the dressed flesh of cattle, swine, sheep, goats, game
37 animal, and other edible animals, except fish and poultry.

38 113824. “Menu change” means a modification of a food
39 facility’s menu that would require a change in the food facility’s
40 food preparation methods, storage equipment, or storage capacity

1 previously approved by the local enforcement agency. These
2 changes may include, but are not limited to, the addition of
3 potentially hazardous foods to a menu, installation of new food
4 preparation or storage equipment, or increasing storage capacity.

5 113825. “Members and guests” means the following for
6 purposes of Section 113789:

7 (a) “Member” means a person who is a member of a church or
8 other nonprofit charitable organization.

9 (b) “Guest” means a person to whom hospitality at a home or
10 club has been personally extended. “Guest” does not include a
11 member of the general public invited by means of an offsite flier
12 or banner, newspaper advertisement, Internet, radio, or television
13 announcement.

14 113827. “Minor violation” means a violation of this part that
15 does not pose an imminent health hazard, but does warrant
16 correction.

17 113831. “Mobile food facility” means any vehicle used in
18 conjunction with a commissary or other permanent food facility
19 upon which food is sold or distributed at retail. “Mobile food
20 facility” does not include a “transporter” used to transport
21 packaged food from a food facility, or other approved source to
22 the consumer.

23 113833. “Mobile support unit” means a vehicle used in
24 conjunction with a commissary or other permanent food facility
25 that travels to and services mobile food facilities as needed to
26 replenish supplies, including food and potable water, clean the
27 interior of the unit, or dispose of liquid or solid wastes.

28 113835. “Molluscan shellfish” means any edible species of
29 fresh or frozen oysters, clams, mussels, and scallops or edible
30 portions thereof, except when the scallop product consists only of
31 the shucked adductor muscle.

32 113837. “Multiservice utensil” means a utensil manufactured
33 and approved for use more than one time.

34 113839. “Nonpermanent food facility” means a food facility
35 that operates from a mobile unit or at a nonpermanent location,
36 including, but not limited to, a certified farmers’ market, a
37 mobile food facility, a mobile support unit, a temporary food
38 facility, or a vending machine.

39 113841. “Nonprofit charitable organization” means either of
40 the following:

1 (a) A corporation incorporated pursuant to the Nonprofit
2 Corporation Law (Division 2 (commencing with Section 5000)
3 of Title 1 of the Corporations Code), that is exempt from taxation
4 pursuant to paragraphs (1) to (10), inclusive, and paragraph (19)
5 of Section 501(c) of the Internal Revenue Code and Section
6 23701d of the Revenue and Taxation Code.

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

10 113843. “Open-air barbecue” means a piece of equipment
11 designed for barbecuing food, where the food is prepared out of
12 doors by cooking directly over hot coals, heated lava, hot stones,
13 gas flame, or other method approved by the department, on
14 equipment suitably designed and maintained for use out of doors,
15 that is operated by a temporary food facility, or a mobile food
16 facility that remains fixed during hours of operations at a
17 community event or a permanent food facility.

18 113846. “Outdoor wood-burning oven” means an oven
19 located out of doors, that utilizes wood as the primary fuel for
20 cooking and is operated on the same premises as, and in
21 conjunction with, a permanent food facility.

22 113849. “Permanent food facility” means a food facility
23 operating in a permanently constructed structure, including any
24 room, building, place, or portion thereof, maintained, used, or
25 operated for the purpose of storing, preparing, serving,
26 manufacturing, packaging, or otherwise handling food at the
27 retail level.

28 113851. “Permit” means the document issued by the
29 enforcement agency that authorizes a person to operate a food
30 facility.

31 113853. “Permitholder” means the entity that is legally
32 responsible for the operation of the food facility, such as the
33 owner, the owner’s agent, or other person, and possesses a valid
34 permit to operate a food facility.

35 113855. “Person” means any individual, firm, partnership,
36 joint venture, association, limited liability company, corporation,
37 estate, trust, receiver, syndicate, city, county, or other political
38 subdivision, or any other group or combination acting as a unit.

1 113856. “Person in charge” means the individual present at a
2 food facility who is responsible for the operation of the food
3 facility.

4 113859. (a) “Personal care items” means items or substances
5 that may be poisonous, toxic, or a source of contamination and
6 are used to maintain or enhance a person’s health, hygiene, or
7 appearance.

8 (b) “Personal care items” include items such as medicines,
9 first aid supplies, cosmetics, and toiletries such as toothpaste and
10 mouthwash.

11 113861. “pH” means the symbol for the negative logarithm of
12 the hydrogen ion concentration, which is a measure of the degree
13 of acidity or alkalinity of a solution. Values between 0 and 7
14 indicate acidity and values between 7 and 14 indicate alkalinity.
15 The value for pure distilled water is 7, which is considered
16 neutral.

17 113863. “Plumbing fixture” means a receptacle or device that
18 is permanently or temporarily connected to the water distribution
19 system of the premises and demands a supply of water from the
20 system or discharges used water, waste materials, or sewage
21 directly or indirectly to the drainage system of the premises.

22 113865. “Plumbing system” means the water supply and
23 distribution pipes, plumbing fixtures and traps, soil, waste, and
24 vent pipes, sanitary and storm sewers and building drains,
25 including their respective connections, devices, and
26 appurtenances within the premises, and water-treating
27 equipment.

28 113867. “Poisonous or toxic materials” means substances that
29 are not intended for ingestion and are included in one of the
30 following categories:

31 (a) Cleaners and sanitizers, which include cleaning and
32 sanitizing agents and agents such as caustics, acids, drying
33 agents, polishes, and other chemicals.

34 (b) Pesticides except sanitizers, which include substances such
35 as insecticides and rodenticides.

36 (c) Substances necessary for the operation and maintenance of
37 the facility, such as nonfood grade lubricants and personal care
38 items that may be deleterious to health.

1 (d) Substances that are not necessary for the operation and
2 maintenance of the facility and are on the premises for retail sale,
3 such as petroleum products and paints.

4 113868. “Portable” means equipment that is capable of being
5 lifted and moved or has utility connections that are designed to
6 be disconnected or of sufficient length to permit the unit to be
7 moved for cleaning, and does not exceed 80 pounds (36kg) in
8 weight.

9 113869. “Potable water” means water that complies with the
10 standards for transient noncommunity water systems pursuant to
11 the California Safe Drinking Water Act (Chapter 4 (commencing
12 with Section 116270) of Part 12, to the extent permitted by
13 federal law.

14 113871. (a) “Potentially hazardous food” means a food that is
15 natural or synthetic and that requires temperature control because
16 it is in a form capable of supporting the rapid and progressive
17 growth of infectious or toxigenic micro-organisms, the growth
18 and toxin production of clostridium botulinum, or, in raw shell
19 eggs, the growth of Salmonella enteritidis.

20 (b) “Potentially hazardous food” includes a food of animal
21 origin that is raw or heat-treated, a food of plant origin that is
22 heat-treated or consists of raw seed sprouts, cut melons, and
23 garlic-in-oil mixtures that are not acidified or otherwise
24 modified at a food processing plant in a way that results in
25 mixtures that do not support growth as specified under
26 subdivision (a).

27 (c) “Potentially hazardous food “ does not include any of the
28 following:

29 (1) A food with an a_w value of 0.85 or less.

30 (2) A food with a pH level of 4.6 or below when measured at
31 75°F.

32 (3) A shell egg that is not hard-boiled but has been treated to
33 destroy all viable Salmonellae.

34 (4) A food in an unopened, hermetically sealed container that
35 is commercially processed to achieve and maintain commercial
36 sterility under conditions of nonrefrigerated storage and
37 distribution.

38 (5) A food that has been shown by appropriate microbial
39 challenge studies approved by the enforcement agency not to
40 support the rapid and progressive growth of infectious or

1 toxigenic micro-organisms that may cause food infections or
2 food intoxications, or the growth and toxin production of
3 clostridium botulinum, such as a food that has an a_w and a pH
4 that are above the levels specified under paragraphs (1) and (2)
5 and that may contain a preservative, other barrier to the growth
6 of micro-organisms, or a combination of barriers that inhibit the
7 growth of micro-organisms.

8 (6) A food that does not support the rapid and progressive
9 growth of infectious or toxigenic micro-organisms, even though
10 the food may contain an infectious or toxigenic micro-organism
11 or chemical or physical contaminant at a level sufficient to cause
12 illness.

13 113873. (a) “Poultry” means either of the following:

14 (1) Any domesticated bird, including chickens, turkeys, ducks,
15 geese, or guineas, whether live or dead, as defined in 9 C.F.R.
16 381 Poultry Products Inspection Regulations.

17 (2) Any migratory waterfowl, game bird, including a pheasant,
18 partridge, quail, grouse, or guinea, or pigeon, or squab, whether
19 live or dead, as defined in 9 C.F.R. 362 Voluntary Poultry
20 Inspection Program.

21 (b) “Poultry” does not include ratites.

22 113874. “Premises” means:

23 (a) The food facility, its contents, and the contiguous land or
24 property and its facilities and contents that are under the control
25 of the permitholder.

26 (b) The food facility, its contents, and the land or property not
27 described in subdivision (a) if the facility and contents are under
28 the control of the permitholder and may impact food facility
29 personnel, facilities, or operations.

30 113876. “Prepackaged food” means any properly labeled
31 processed food, prepackaged to prevent any direct human contact
32 with the food product upon distribution from the manufacturer,
33 and prepared at an approved source.

34 113877. “Produce” means any whole fruit or vegetable in its
35 raw and natural state.

36 113879. “Produce stand” means a permanent food facility that
37 sells, offers for sale, or gives away only produce or shell eggs, or
38 both.

1 113880. “Producer” means a person or entity who produces
2 shell eggs, fruits, nuts, or vegetables by practice of the
3 agricultural arts upon land that the person or entity controls.

4 113881. “Ready-to-eat food” means food that is in a form
5 that is edible without additional preparation to achieve food
6 safety, as specified in Section 114004 or Section 114008, is a raw
7 or partially cooked animal food and the consumer is advised as
8 specified under Section 114093, or may receive additional
9 preparation for palatability or aesthetic, epicurean, gastronomic,
10 or culinary purposes. “Ready-to-eat food” includes all of the
11 following:

12 (a) Raw animal food that is cooked as specified in Section
13 114004 or 114008.

14 (b) Raw produce that is washed as specified in Section
15 113992.

16 (c) Produce that is cooked for hot holding as specified in
17 Section 114010.

18 (d) All potentially hazardous food that is cooked to the
19 temperature and time required for the specific food under
20 Sections 114004, 114008 and 114010 and cooled as specified in
21 Section 114002.

22 (e) Plant food for which further washing, cooking, or other
23 processing is not required for food safety, and from which rinds,
24 peels, husks, or shells, if naturally present, are removed.

25 (f) Substances derived from plants, such as spices, seasonings,
26 and sugar.

27 (g) A bakery item, such as bread, cakes, pies, fillings, or icing,
28 for which further cooking is not required for food safety.

29 (h) The following products that are produced in accordance
30 with USDA guidelines and that have received a lethality
31 treatment for pathogens: dry, fermented sausages, such as dry
32 salami or pepperoni; salt-cured meat and poultry products, such
33 as prosciutto ham, country cured ham, and parma ham; and dried
34 meat and poultry products, such as jerky or beef sticks.

35 (i) Foods manufactured according to 21 C.F.R. Part 113
36 Thermally Processed Low-Acid Foods Packaged in Hermetically
37 Sealed Containers.

38 113883. “Reduced oxygen packaging” means the reduction of
39 the amount of oxygen in a package by mechanically evacuating
40 the oxygen, displacing the oxygen with another gas or

1 combination of gases, or otherwise controlling the oxygen
2 content in a package to a level below that normally found in the
3 surrounding atmosphere, which is 21 percent oxygen.

4 “Reduced oxygen packaging” includes methods that may be
5 referred to as altered atmosphere, modified atmosphere,
6 controlled atmosphere, low oxygen, and vacuum packaging,
7 including sous vide.

8 113885. “Refrigeration unit” means a mechanical unit that
9 extracts heat from an area through liquefaction and evaporation
10 of a fluid by a compressor, flame, or thermoelectric device, and
11 includes a mechanical thermostatic control device that regulates
12 refrigerated blown air into an enclosed area at or below the
13 minimum required food storage temperature of potentially
14 hazardous foods in conformance with Section 113996.

15 113887. “Refuse” means solid waste not carried by water
16 through the sewage system.

17 113889. “Remodel” means construction, building, or repair to
18 the food facility that requires a permit from the local building
19 authority. For purposes of mobile food facilities, temporary food
20 facilities, and satellite food service, “remodel” means any
21 replacement or significant modification of an integral piece of
22 equipment.

23 113891. “Residential care facility for the elderly” means a
24 housing arrangement chosen voluntarily by persons 60 years of
25 age or over, or their authorized representative, where varying
26 levels and intensities of care and supervision, protective
27 supervision, or personal care are provided, based upon their
28 varying needs, as determined in order to be admitted and to
29 remain in the facility. These facilities may include persons under
30 60 years of age with compatible needs as determined pursuant to
31 Section 1569.316.

32 113893. (a) “Restricted food service facility” means either of
33 the following:

34 (1) A food facility of 20 guestrooms or less that provides
35 overnight transient occupancy accommodations, that serves food
36 only to its registered guests, that serves only a breakfast or
37 similar early morning meal and no other meals, and that includes
38 the price of food in the price of the overnight transient occupancy
39 accommodation.

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

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

5 (B) Provides overnight transient accommodations.

6 (C) Serves food only to its registered guests and serves meals
7 at any time, and includes the price of food in the price of the
8 overnight transient occupancy accommodation.

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

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

15 (b) Notwithstanding subdivision (a), a restricted food service
16 facility may serve light foods or snacks presented to the guest for
17 self-service.

18 (c) The predominant relationship between the occupants of a
19 restricted food service facility and the owner or operator of the
20 facility is that of innkeeper and guest. The existence of some
21 other legal relationships as between some occupants and the
22 owner or operator shall be immaterial.

23 113894. “Restrict” means to limit the activities of a food
24 employee so that there is no risk of transmitting a disease that is
25 transmissible through food and the food employee does not work
26 with exposed food, clean equipment, utensils, linens, and
27 unwrapped single-use articles.

28 113895. “Retail” means the storing, preparing, serving,
29 manufacturing, packaging, transporting, salvaging, or otherwise
30 handling food for dispensing or sale directly to the consumer.

31 113897. “Sanitization” means the application of cumulative
32 heat or chemicals on cleaned food-contact surfaces that, when
33 evaluated for efficacy, is sufficient to yield a reduction of five
34 logs, which is equal to a 99.999 percent reduction, of
35 representative disease micro-organisms of public health
36 importance.

37 113899. “Satellite food service” means a remotely located
38 food service operation that is conducted on the same property as,
39 in reasonable proximity to, and in conjunction with and by, a
40 fully enclosed permanent food facility. Satellite food service does

1 not include remote food service operations located within a fully
2 enclosed permanent food facility.

3 113901. “Sealed” means free of cracks or other openings that
4 allow the entry or passage of moisture.

5 113903. “Service animal” means an animal such as a guide
6 dog, signal dog, or other animal individually trained to provide
7 assistance to an individual with a disability.

8 113907. “Shellfish certification number” means a unique
9 combination of letters and numbers assigned by a shellfish
10 control authority to a molluscan shellfish dealer according to the
11 provisions of the National Shellfish Sanitation Program.

12 113909. “Shellfish control authority” means a state, federal,
13 foreign, tribal, or other government entity legally responsible for
14 administering a program that includes certification of molluscan
15 shellfish harvesters and dealers for interstate commerce.

16 113911. “Shellstock” means raw, in-shell molluscan
17 shellfish.

18 113912. “Shucked shellfish” means molluscan shellfish that
19 have one or both shells removed.

20 113914. “Single-use articles” means utensils, tableware,
21 carry-out utensils, bulk food containers, and other items that are
22 designed and constructed for one time, one person use, after
23 which they are intended for discard. Single-use articles include,
24 but are not limited to, bags, containers, placemats, stirrers,
25 straws, toothpicks, wrappers, wax paper, butcher paper, plastic
26 wrap, formed aluminum food containers, jars, plastic tubs or
27 buckets, bread wrappers, pickle barrels, ketchup bottles, and
28 number 10 cans that do not meet the materials, durability,
29 strength, and cleanability specifications under Sections 114130,
30 114130.1, and 114130.3 for utensils.

31 113915. “Slacking” means the process of moderating the
32 temperature of a food, such as allowing a food to gradually
33 increase from a temperature of 10°F to 25°F in preparation for
34 deep-fat frying or to facilitate even heat penetration during the
35 cooking of previously block-frozen food.

36 113916. “Smooth” means any of the following:

37 (a) A food-contact surface that is free of pits, pinholes, cracks,
38 crevices, inclusions, rough edges, and other surface
39 imperfections detectable by visual or tactile inspection.

1 (b) A nonfood-contact equipment surface equal to that of
2 commercial grade hot-rolled steel free of visible scale.

3 (c) A floor, wall, or ceiling having an even or level surface
4 with no roughness or projections that render it difficult to clean.

5 113917. “Swap meet” shall have the meaning set forth in
6 Section 21661 of the Business and Professions Code.

7 113918. “Supervised care facility” means a community care
8 facility, a residential care facility for the elderly, or a child day
9 care facility. Supervised care facilities shall include those
10 facilities where food is prepared for service, sale, or distribution
11 at retail.

12 113924. “Table-mounted equipment” means equipment that
13 is not portable and is designed to be mounted off the floor on a
14 table, counter, or shelf.

15 113926. “Tableware” means eating, drinking, and serving
16 utensils for table use, including forks, knives, spoons, bowls,
17 cups, serving dishes, tumblers, and plates.

18 113928. “Temperature measuring device” means a
19 thermometer, thermocouple, thermistor, or other device that
20 indicates the temperature of food, air, or water.

21 113930. “Temporary food facility” means a food facility
22 approved by the enforcement officer that may be readily
23 disassembled for storage or for transporting, and readily
24 assembled to its original integrity at a different location, is easily
25 movable, and operates at a fixed location for the duration of an
26 approved community event or at a swap meet.

27 113931. “Tight-fitting” means fabricated so that joining
28 members are in contact along the entire seam with no opening
29 greater than 1/64th inch (.04 cm).

30 113932. “Transporter” means any vehicle used to transport
31 food from a manufacturer, distributor, retail food facility, or
32 other approved source to a retail food facility.

33 113933. “USDA” means the United States Department of
34 Agriculture.

35 113934. “Utensil” means a food-contact implement or
36 container used in the storage, preparation, transportation,
37 dispensing, sale, or service of food, such as kitchenware or
38 tableware that is multiuse, single-service, or single-use, gloves
39 used in contact with food, temperature sensing probes of food

1 temperature measuring devices, and probe-type price or
2 identification tags used in contact with food.

3 113936. “Variance” means a written document issued by the
4 department that allows the use of an alternative practice or
5 procedure based on a determination by the department that the
6 alternate practice or procedure is equivalent to the existing
7 requirements, and that a health hazard will not result from the
8 alternative practice or procedure. A variance may be issued in the
9 following circumstances:

10 (a) For employee hygiene, as described in subdivision (e) of
11 Section 113953, and Sections 113953.3 and 113953.4.

12 (b) For protection of food from contamination, as described in
13 Sections 113984, 113986, 113988, and 113992.

14 (c) For time as a public health control, as described in Section
15 114000.

16 (d) For cooling time and methods, as described in Sections
17 114002 and 114002.1.

18 (e) For cooking and reheating temperatures for potentially
19 hazardous food, as described in Sections 114004, 114008,
20 114010, and 114016.

21 (f) For use of raw shell eggs in foods that are not thoroughly
22 cooked, as described in Section 114012.

23 (g) For thawing of frozen food, as described in Section
24 114020.

25 (h) For receiving temperatures of potentially hazardous foods,
26 as described in Section 114037.

27 (i) For oxygen-reduced atmosphere packaging of potentially
28 hazardous food, as described in Sections 114057 and 114057.1.

29 (j) For sanitization methods for food-contact and
30 nonfood-contact surfaces, as described in Sections 114099.6,
31 114109, 114117, 114119, and 114121.

32 (k) For molluscan shellfish life-support system display tanks,
33 as described in Section 114039.5.

34 (l) For methods of food processing or preservation, as
35 described in Section 114056.

36 113938. “Vending machine” means a self-service device that,
37 upon insertion of money or tokens, dispenses food without the
38 necessity of replenishing the device between each vending
39 operation and that operates in conjunction with a commissary.
40 “Vending machine” does not include any device dispensing

1 exclusively peanuts, nuts, popcorn, gum, or hard candy,
2 prepackaged candy, cookies, crackers, or similar snacks and
3 beverages that are not potentially hazardous food, and
4 prepackaged ice.

5 113939. “Vermin infestation” means the presence of
6 cockroaches, mice, rats and similar vermin within the food
7 facility as evidenced by actual live bodies, fresh droppings or
8 vomitus, urine stains, or gnaw marks, that could result in
9 contamination to the food, equipment, packaging, or utensils.

10 113940. “Warewashing” means the cleaning and sanitizing of
11 utensils and food-contact surfaces of equipment.

12 113941. “Warm water” means water that is supplied through
13 a mixing valve or combination faucet at a temperature of at least
14 100°F.

15

16 CHAPTER 3. MANAGEMENT AND PERSONNEL

17

18 Article 1. Supervision

19

20 113945. The permitholder shall be the person in charge or
21 shall designate a person in charge and shall ensure that a person
22 in charge is present at the food facility during all hours of
23 operation.

24 113945.1. The person in charge shall ensure both of the
25 following:

26 (a) Except as specified in Section 113984.1, persons
27 unnecessary to the food facility operation shall not be allowed in
28 the food preparation, food storage, or warewashing areas.

29 (b) Consumers are notified that clean tableware is to be used
30 when they return to self-service areas, such as salad bars and
31 buffets, as specified in Section 114075.

32

33 Article 2. Employee Knowledge

34

35 113947. (a) (1) Each food facility shall have an owner or
36 employee who has successfully passed an approved and
37 accredited food safety certification examination. For purposes of
38 this section, multiple contiguous food facilities permitted within
39 the same site and under the same management, ownership, or
40 control shall be deemed to be one food facility, notwithstanding

1 the fact that the food facilities may operate under separate
2 permits.

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

14 (3) For purposes of this section, a food facility is a facility at
15 which nonprepackaged potentially hazardous foods are prepared,
16 handled, or served. Those facilities that prepare, handle, or serve
17 nonprepackaged nonpotentially hazardous foods may choose to
18 meet the requirements through certification, or may adequately
19 demonstrate to the enforcement officer the knowledge of the
20 employees of the food facility of food safety principles as they
21 relate to the specific food operation.

22 (4) (A) Notwithstanding paragraph (1), this section shall not
23 require a temporary food facility to have an owner or employee
24 meet the requirements through full certification, but shall require
25 adequate demonstration to the enforcement officer the knowledge
26 of food safety principles as they relate to the specific food
27 operation.

28 (B) Notwithstanding paragraph (1), this section shall not apply
29 to the premises of a licensed winegrower or brandy manufacturer
30 utilized for winetastings conducted pursuant to Section 23356.1
31 of the Business and Professions Code of wine or brandy
32 produced or bottled by, or produced and prepackaged for, that
33 licensee when use is limited to winetasting.

34 (b) A food facility that commences operation, changes
35 ownership, or no longer has a certified owner or employee
36 pursuant to this section shall have 60 days to comply with
37 subdivision (a).

38 (c) Notwithstanding subdivision (a), there shall be at least one
39 food safety certified owner or employee at each food facility. No
40 certified person at a food facility for purposes of subdivision (a)

1 may serve at any other food facility as the person required to be
2 certified pursuant to this section. The certified owner or
3 employee need not be present at the food facility during all hours
4 of operation.

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

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

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

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

26 (h) A food safety program that was not in effect prior to
27 January 1, 1999, shall not be enacted, adopted, implemented, or
28 enforced, unless the program fully conforms with the
29 requirements of this part.

30 113947.1. The food safety certification examination shall
31 include, but need not be limited to, all of the following elements
32 of knowledge:

33 (a) Foodborne illness, including terms associated with
34 foodborne illness, micro-organisms, hepatitis A, and toxins that
35 can contaminate food and the illness that can be associated with
36 contamination, definition and recognition of potentially
37 hazardous foods, chemical, biological, and physical
38 contamination of food, and the illnesses that can be associated
39 with food contamination, and major contributing factors for
40 foodborne illness.

1 (b) The relationship between time and temperature with
2 respect to foodborne illness, including the relationship between
3 time and temperature and micro-organisms during the various
4 food handling, preparation, and serving states, and the type,
5 calibration, and use of thermometers in monitoring food
6 temperatures.

7 (c) The relationship between personal hygiene and food safety,
8 including the association of hand contact, personal habits and
9 behaviors, and food employee health to foodborne illness, and
10 the recognition of how policies, procedures, and management
11 contribute to improved food safety practices.

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

15 (e) Procedures for cleaning and sanitizing equipment and
16 utensils.

17 (f) Problems and potential solutions associated with facility
18 and equipment design, layout, and construction.

19 (g) Problems and potential solutions associated with
20 temperature control, preventing cross-contamination,
21 housekeeping, and maintenance.

22 113947.2. (a) Food safety certification shall be achieved by
23 successfully passing an examination from an accredited food
24 protection manager certification organization. The certification
25 organization must be accredited by the American National
26 Standards Institute as meeting the requirements of the
27 Conference for Food Protection's "Standards for Accreditation of
28 Food Protection Manager Certification Programs." Those food
29 employees who successfully pass an approved certification
30 examination shall be issued a certificate by the certifying
31 organization, which shall be valid for a period of five years from
32 the date of issuance.

33 (b) (1) Within 12 months after the effective date of this part,
34 the department, in consultation with the California Conference of
35 Directors of Environmental Health, representatives of the retail
36 food industry, and other interested parties, shall develop and
37 implement a program for the purposes of demonstrating adequate
38 knowledge for operators of temporary food facilities.

39 (2) At least one of the accredited statewide food safety
40 certification examinations shall cost no more than sixty dollars

1 (\$60), including the certificate. However, the department may
 2 adjust the cost of food safety certification examinations to reflect
 3 actual expenses incurred in producing and administering the food
 4 safety certification examinations required under this section. If a
 5 food safety certification examination is not available at the price
 6 established by the department, the certification and recertification
 7 requirements relative to food safety certification examinations
 8 imposed by this section shall not apply.

9 113947.3. Except as provided in Section 113947.4, no city,
 10 county, or city and county may enact, adopt, implement, or
 11 enforce any requirement that any food facility or any person
 12 certified pursuant to this section do any of the following:

13 (a) Obtain any food safety certificate or other document in
 14 addition to the certificate required by Section 113947.

15 (b) Post, place, maintain, or keep the certificate other than as
 16 specified in subdivision (e) of Section 113947.

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

20 113947.4. Certification conferred pursuant to this part shall be
 21 recognized throughout the state. Nothing in this part shall be
 22 construed to prohibit any enforcement agency from
 23 implementing or enforcing a food handler program that took
 24 effect prior to January 1, 1998, but only in the form in which the
 25 program existed prior to January 1, 1998.

26 113947.5. Notwithstanding Section 114395, a violation of any
 27 provision in Sections 113947 to 113947.4, inclusive, shall
 28 constitute an infraction punishable by a fine of not more than one
 29 hundred dollars (\$100) for each day of operation in violation.

30

31

Article 3. Employee Health

32

33

34 113951. Food employees experiencing persistent sneezing,
 35 coughing, or a runny nose that causes discharges from the eyes,
 36 nose, or mouth shall not work with exposed food, clean
 equipment, utensils, and linens, or unwrapped single-use articles.

Article 4. Handwashing

113952. Food employees shall keep their hands and exposed portions of their arms clean.

113953. (a) Handwashing facilities shall be provided within or adjacent to toilet rooms. The number of handwashing facilities required shall be in accordance with local building and plumbing codes.

(b) (1) Except as otherwise provided in Section 114358, food facilities constructed or extensively remodeled after January 1, 1996, that handle nonprepackaged food, shall provide facilities exclusively for handwashing in food preparation areas and in warewashing areas that are not located within or immediately adjacent to food preparation areas. Handwashing facilities shall be sufficient in number and conveniently located so as to be accessible at all times for use by food employees.

(2) The handwashing facility shall be separated from the warewashing sink by a metal splashguard with a height of at least 6 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 handwashing sink and the warewashing sink drainboards is 24 inches or more.

(c) Handwashing facilities shall be equipped to provide warm water under pressure for a minimum of 15 seconds through a mixing valve or combination faucet.

(d) An automatic handwashing facility may be installed and used in accordance with the manufacturer's instructions.

(e) Notwithstanding subdivision (b), the enforcement agency may allow handwashing facilities other than those required by this section when it deems that the alternate facilities are adequate.

113953.1. (a) A handwashing facility shall be clean, unobstructed, and accessible at all times for employee use.

(b) A handwashing facility shall not be used for purposes other than handwashing.

(c) Employees shall not clean their hands in a sink used for food preparation, warewashing, or in a service sink or a curbed cleaning facility used for the disposal of mop water and similar liquid waste.

1 (d) Notwithstanding subdivision (c), a warewashing sink may
2 be used for handwashing as specified in Section 114125.

3 113953.2. A handwashing facility shall be provided with the
4 following in dispensers at, or adjacent to, each handwashing
5 facility:

6 (a) Handwashing cleanser.

7 (b) Sanitary single-use towels or a heated-air hand drying
8 device.

9 113953.3. (a) Except as specified in subdivision (b), all
10 employees shall thoroughly wash their hands and that portion, if
11 any, of their arms exposed to direct food contact with cleanser
12 and warm water by vigorously rubbing together the surfaces of
13 their lathered hands and arms for at least 10 to 15 seconds and
14 thoroughly rinsing with clean running water followed by drying
15 of cleaned hands and that portion, if any, of their arms exposed.
16 Employees shall pay particular attention to the areas underneath
17 the fingernails and between the fingers. Employees shall wash
18 their hands in all of the following instances:

19 (1) Immediately before engaging in food preparation,
20 including working with nonprepackaged food, clean equipment
21 and utensils, and unwrapped single-use food containers and
22 utensils.

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

25 (3) After using the toilet room.

26 (4) After caring for or handling any animal allowed in a food
27 facility pursuant to this part.

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

30 (6) After handling soiled equipment or utensils.

31 (7) During food preparation, as often as necessary to remove
32 soil and contamination and to prevent cross-contamination when
33 changing tasks.

34 (8) When switching between working with raw food and
35 working with ready-to-eat food.

36 (9) Before donning gloves for working with food.

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

39 (11) After engaging in other activities that contaminate the
40 hands.

1 (b) If approved and capable of removing the types of soils
2 encountered in the food operations involved, an automatic
3 handwashing facility may be used by food employees to clean
4 their hands.

5 113953.4. (a) Approved hand sanitizer shall be applied only
6 to hands that are cleaned as specified under Section 113953.3.

7 (b) A hand sanitizer and a chemical hand sanitizing solution
8 used as a hand dip shall comply with both of the following:

9 (1) Either be an approved drug that is listed in the FDA
10 publication approved drug products with therapeutic equivalence
11 evaluations as an approved drug based on safety and
12 effectiveness, or have active antimicrobial ingredients that are
13 listed in the FDA monograph for OTC Health-Care Antiseptic
14 Drug Products as an antiseptic handwash.

15 (2) Consist of components that are meet all of the following
16 criteria:

17 (A) Listed for such use in contact with food in 21 C.F.R. 178 –
18 Indirect Food Additives: Adjuvants, Production Aids, and
19 Sanitizers.

20 (B) Exempt from regulation as food additives under 21 C.F.R.
21 170.39 – Threshold of Regulation for Substances Used in
22 Food-Contact Articles.

23 (C) Generally recognized as safe (GRAS) for the intended use
24 in contact with food within the meaning of the Federal Food,
25 Drug and Cosmetic Act (FFDCA).

26 (D) Permitted for such use by an effective Food Contact
27 Substance Notification as prescribed by Section 409(h) of the
28 FFDCA (21 U.S.C. Sec. 348(h)) and listed in FDA’s Inventory of
29 Effective Premarket Notifications for Food Contact Substances.

30 (c) If a hand sanitizer or a chemical hand sanitizing solution
31 used as a hand dip does not meet the criteria specified under
32 subparagraph (A) of paragraph (2) of subdivision (b), use shall be
33 followed by thorough hand rinsing in clean running water before
34 hand contact with food or by the use of gloves and limited to
35 situations that involve no direct contact with food and bare
36 hands.

37 (d) A chemical hand sanitizing solution used as a hand dip
38 shall be maintained clean and at a strength equivalent to at least
39 100 mg/L chlorine.

1 113953.5. (a) Except as specified in subdivision (b), a sign or
2 poster that notifies food employees to wash their hands shall be
3 posted at all handwashing lavatories used by food employees,
4 and shall be clearly visible to food employees.

5 (b) This section does not apply to toilet rooms in guestrooms
6 of restricted food service facilities.

7 113955. (a) Food employees shall keep their fingernails
8 trimmed, filed, and maintained so the edges and surfaces are
9 cleanable and not rough.

10 (b) Unless wearing intact gloves in good repair, a food
11 employee may not wear fingernail polish or artificial fingernails
12 when working with nonprepackaged food.

13 113957. (a) Gloves shall be worn when contacting food and
14 food-contact surfaces if the employee has any cuts, sores, rashes,
15 artificial nails, nail polish, rings (other than a plain ring, such as
16 a wedding band), uncleanable orthopedic support devices, or
17 fingernails that are not clean, smooth, or neatly trimmed.

18 (b) Whenever gloves are worn, they shall be changed,
19 replaced, or washed as often as handwashing is required by this
20 part.

21 (c) If used, single-use gloves shall be used for only one task,
22 such as working with ready-to-eat food or with raw animal food,
23 used for no other purpose, and shall be discarded when damaged
24 or soiled, or when interruptions in the food handling occur.

25 (d) Except as specified in subdivision (e), slash-resistant
26 gloves that are used to protect the hands during operations
27 requiring cutting shall be used only with food that is
28 subsequently cooked as specified in Section 114004, such as
29 frozen food or a primal cut of meat.

30 (e) Slash-resistant gloves may be used with ready-to-eat food
31 that will not be subsequently cooked if the slash-resistant gloves
32 have a smooth, durable, and nonabsorbent outer surface or if the
33 slash-resistant gloves are covered with a smooth, durable,
34 nonabsorbent glove, or a single-use glove.

35 (f) Cloth gloves may not be used in direct contact with food
36 unless the food is subsequently cooked.

37 113961. (a) Food employees shall minimize bare hand and
38 arm contact with nonprepackaged food that is in a ready-to-eat
39 form.

1 (b) Food employees shall use utensils, including scoops, forks,
2 tongs, paper wrappers, gloves, or other implements, to assemble
3 ready-to-eat food or to place ready-to-eat food on tableware or
4 in other containers. However, employees food may assemble or
5 place on tableware or in other containers ready-to-eat food in an
6 approved food preparation area without using utensils if hands
7 are cleaned in accordance with Section 113953.3.

8 (c) Food that has been served to the customer and then
9 wrapped or prepackaged at the direction of the customer shall be
10 handled only with utensils. These utensils shall be properly
11 sanitized before reuse.

12
13 Article 5. Personal Cleanliness

14
15 113967. No employee shall commit any act that may result in
16 the contamination or adulteration of food, food-contact surfaces,
17 or utensils.

18 113969. (a) Except as specified in subdivision (b), all
19 employees preparing, serving, or handling food or utensils shall
20 wear hair restraints such as hats, hair coverings, or nets that are
21 designed and worn to effectively keep their hair from contacting
22 nonprepackaged food, clean equipment, utensils, linens, and
23 unwrapped single-use articles.

24 (b) This section does not apply to food employees, such as
25 counter staff who only serve beverages and wrapped or
26 prepackaged foods, hostesses, and wait staff, if they present a
27 minimal risk of contaminating nonprepackaged food, clean
28 equipment, utensils, linens, and unwrapped single-use articles.

29 113971. Food employees shall wear clean outer clothing to
30 prevent contamination of food, equipment, utensils, linens, and
31 single-use articles.

32
33 Article 6. Hygienic Practices

34
35 113973. A food employee may not use a utensil more than
36 once to taste food that is to be sold or served.

37 113975. (a) Except as specified in subdivision (b), an
38 employee shall eat, drink, or use any form of tobacco only in
39 designated areas where no contamination of nonprepackaged

1 food, clean equipment, utensils, linens, unwrapped single-use
2 articles, or other items needing protection can result.

3 (b) A food employee may drink from a closed beverage
4 container if the container is handled to prevent contamination of
5 the employee’s hands, the container, nonprepacked food, or
6 food-contact surfaces.

7 113977. Food facilities shall have a “no smoking” sign posted
8 in the food preparation, food storage, and warewashing areas.

9

10 CHAPTER 4. GENERAL FOOD SAFETY REQUIREMENTS

11

12 Article 1. Protection from Contamination

13

14 113980. All food shall be manufactured, produced, prepared,
15 compounded, packed, stored, transported, kept for sale, and
16 served so as to be pure and free from adulteration and spoilage;
17 shall have been obtained from approved sources; shall be
18 protected from dirt, vermin, unnecessary handling, droplet
19 contamination, overhead leakage, or other contamination; shall
20 otherwise be fully fit for human consumption; and shall conform
21 to the applicable provisions of the Sherman Food, Drug, and
22 Cosmetic Law (Part 5 (commencing with Section 109875)).

23 113982. (a) Food shall be transported in a manner that meets
24 the following requirements:

25 (1) The interior floor, sides, and top of the food holding area
26 shall be constructed of a smooth, washable, impervious material
27 capable of withstanding frequent cleaning.

28 (2) The food holding area shall be constructed and operated so
29 that no liquid wastes can drain onto any street, sidewalk, or
30 premises.

31 (3) For potentially hazardous food, approved methods shall be
32 provided to maintain food at the required holding temperatures.

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

35 (b) This section shall not apply to the transportation of
36 prepackaged nonpotentially hazardous foods.

37 113984. (a) Food preparation counter space shall be provided
38 commensurate with the food operation.

39 (b) During preparation, unpackaged food shall be protected
40 from environmental sources of contamination.

1 (c) Except as specified in subdivision (d), food preparation
2 shall be conducted within a fully enclosed food facility.

3 (d) Limited food preparation may be conducted within a food
4 compartment or as approved by the enforcement agency. All
5 food shall be thawed, washed, sliced, and cooled within an
6 approved fully enclosed food facility.

7 (e) Food shall be prepared with suitable utensils and on
8 surfaces that, prior to use, have been cleaned, rinsed, and
9 sanitized as specified in Section 114117 to prevent
10 cross-contamination.

11 (f) Overhead protection shall be provided above all food
12 preparation, food display, and food storage areas.

13 113984.1. Customer access to a food facility through the food
14 preparation area is permissible, at the discretion of the
15 permitholder, if ready-to-eat foods are prepared in approved
16 areas separated from sources of contamination by a space of at
17 least three feet from the consumer and in areas that are separate
18 from raw or undercooked foods. The route of access shall be
19 separated from the required space by a rail or wall at least three
20 feet high or otherwise clearly delineated.

21 113986. (a) Food shall be protected from
22 cross-contamination by meeting all of the following
23 requirements:

24 (1) Separating raw animal food during transportation, storage,
25 preparation, holding, and display from raw ready-to-eat food,
26 including other raw animal food such as fish for sushi or
27 molluscan shellfish, or other raw ready-to-eat food such as
28 produce, and cooked ready-to-eat food.

29 (2) Except when combined as ingredients, separating types of
30 raw animal foods from each other during transportation, storage,
31 preparation, holding, and display in the following ways:

32 (A) Using separate equipment for each type.

33 (B) Arranging each type of food in equipment so that cross
34 contamination of one type with another is prevented.

35 (C) Preparing each type of food at different times or in
36 separate areas.

37 (D) Except as specified in subdivision (b) of this section,
38 storing the food in packages, covered containers, or wrappings.

39 (E) Cleaning hermetically sealed containers of food of visible
40 soil before opening.

1 (F) Protecting food containers that are received packaged
2 together in a case or overwrap from cuts when the case or
3 overwrap is opened.

4 (G) Storing damaged, spoiled, or recalled food being held in
5 the food establishment as specified in Section 114055.

6 (H) Separating fruits and vegetables before they are washed,
7 as specified in Section 113992, from ready-to-eat food.

8 (b) Subparagraph (D) of paragraph (2) of subdivision (a) of
9 this section shall not apply to any of the following:

10 (1) Whole, uncut, raw fruits and vegetables and nuts in the
11 shell that require peeling or hulling before consumption.

12 (2) Primal cuts, quarters, or sides of raw meat or slab bacon
13 that are hung on clean, sanitized hooks or placed on clean,
14 sanitized racks.

15 (3) Whole, uncut, processed meats, such as country hams, and
16 smoked or cured sausages that are placed on clean, sanitized
17 racks.

18 (4) Food being cooled as specified in paragraph (2) of
19 subdivision (a) of Section 114002.1.

20 (5) Shellstock.

21 113988. (a) Food shall be protected from contamination that
22 may result from the addition of unsafe or unapproved food or
23 color additives or unsafe or unapproved levels of approved food
24 and color additives.

25 (b) A food employee may not apply sulfating agents to fresh
26 fruits and vegetables intended for raw consumption, or to any
27 potentially hazardous food.

28 113990. Ice that has been used as a medium for cooling the
29 exterior surfaces of food such as melons or fish, prepackaged
30 foods such as canned beverages, or cooling coils and tubes of
31 equipment, shall not be used as food.

32 113992. (a) Produce shall be thoroughly washed in potable
33 water to remove soil and other contaminants before being cut,
34 combined with other ingredients, cooked, served, or offered for
35 human consumption in ready-to-eat form, except as specified in
36 subdivision (b) and except when intended for washing by the
37 consumer before consumption.

38 (b) Chemicals used to wash or peel produce shall meet the
39 requirements specified in 21 C.F.R. 173.315.

1 Article 2. Time and Temperature Relationships

2
3 113996. (a) Except during diligent preparation cooking,
4 cooling, transportation to or from a retail food facility for a
5 period of less than 30 minutes, or when time is used as the public
6 health control as specified under Section 114000, or as otherwise
7 provided in this section, potentially hazardous food shall be
8 maintained at or above 135°F, or below 41°F.

9 (b) Roasts cooked to a temperature and for a time specified in
10 subdivision (b) of Section 114004 may be held at a temperature
11 of 130°F.

12 (c) The following foods may be held at or below 45°F:

13 (1) Raw shell eggs.

14 (2) Unshucked live molluscan shellfish.

15 (3) Pasteurized milk and pasteurized milk products in original,
16 sealed containers.

17 (4) Potentially hazardous foods held for dispensing in serving
18 lines and salad bars during periods not to exceed 12 hours in any
19 24-hour period or held in vending machines. For purposes of this
20 subdivision, a display case shall not be deemed to be a serving
21 line.

22 (5) Potentially hazardous foods held for sampling at a certified
23 farmers' market.

24 (6) Potentially hazardous foods held during transportation.

25 113998. If it is necessary to remove potentially hazardous
26 food from the specified holding temperatures to facilitate
27 preparation, this preparation shall be diligent, and in no case shall
28 the period of an ambient-temperature preparation step exceed
29 two cumulative hours without a return to the specified holding
30 temperatures.

31 114000. (a) Except as specified in subdivision (b), if time
32 only, rather than time in conjunction with temperature, is used as
33 the public health control for a working supply of potentially
34 hazardous food before cooking or for ready-to-eat potentially
35 hazardous food that is displayed or held for service for
36 immediate consumption, the following shall occur:

37 (1) The food shall be marked or otherwise identified to
38 indicate the time that is four hours past the point in time when the
39 food is removed from temperature control.

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

4 (3) The food in unmarked containers or packages or marked to
5 exceed a four-hour limit shall be discarded.

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

11 (b) In a food facility that serves a highly susceptible
12 population, time only, rather than time in conjunction with
13 temperature, may not be used as the public health control for raw
14 eggs.

15 114002. (a) Whenever food has been prepared or heated so
16 that it becomes potentially hazardous, it shall be rapidly cooled if
17 not held at or above 135°F.

18 (b) After heating or hot holding, potentially hazardous food
19 shall be cooled rapidly from 135°F to 70°F within two hours and
20 from 70°F to 41°F or below within four hours.

21 (c) Potentially hazardous food shall be cooled within four
22 hours to 41°F or less if prepared from ingredients at ambient
23 temperature, such as reconstituted foods and canned tuna.

24 (d) Except as specified in subdivision (e), a potentially
25 hazardous food received in compliance with laws allowing a
26 temperature above 41°F during shipment from the supplier as
27 specified in Section 114037, shall be cooled within four hours to
28 41°F or less.

29 (e) Shell eggs need not comply with subdivision (c) or (d) if
30 the eggs are placed immediately upon their receipt in refrigerated
31 equipment that maintains an ambient temperature of 45°F or less.

32 114002.1. (a) The rapid cooling of potentially hazardous
33 foods shall be accomplished in accordance with the time and
34 temperature criteria specified in Section 114002 by using one or
35 more of the following methods based on the type of food being
36 cooled:

- 37 (1) Placing the food in shallow pans.
- 38 (2) Separating the food into smaller or thinner portions.
- 39 (3) Using rapid cooling equipment.
- 40 (4) Using containers that facilitate heat transfer.

- 1 (5) Adding ice as an ingredient.
- 2 (6) Using ice paddles.
- 3 (7) Inserting appropriately designed containers in an ice bath
- 4 and stirring frequently.
- 5 (8) In accordance with a HACCP plan adopted pursuant to this
- 6 part.
- 7 (9) Utilizing other effective means that have been approved by
- 8 the enforcement agency.

9 (b) When placed in cooling or cold holding equipment, food
 10 containers in which food is being cooled shall be arranged in the
 11 equipment to provide maximum heat transfer through the
 12 container walls, loosely covered, or uncovered if protected from
 13 overhead contamination during the cooling period to facilitate
 14 heat transfer from the surface of the food, and stirred as
 15 necessary to evenly cool a liquid or a semi-liquid food.

16 114004. (a) Except as specified in subdivision (c), all
 17 ready-to-eat foods prepared at a food facility from raw or
 18 incompletely cooked animal tissue shall be cooked to heat all
 19 parts of the food to a temperature and for a time that complies
 20 with the following:

21 (1) The following shall be heated to a minimum internal
 22 temperature of 145°F or above for 15 seconds:

23 (A) Raw shell eggs that are broken and prepared in response to
 24 a consumer’s order and for immediate service.

25 (B) Fish.

26 (C) Single pieces of meat, including beef, veal, lamb, pork,
 27 and game animals from approved sources.

28 (2) The following shall be heated to a minimum internal
 29 temperature of 155°F for 15 seconds or the temperature specified
 30 in the following chart that corresponds to the holding time for
 31 ratites and injected meats, comminuted meat or any food
 32 containing comminuted meat, or raw eggs and foods containing
 33 raw eggs that are not prepared as specified in paragraph (1).

34

Minimum	
Temperture (°F)	Time
145	3 minutes
150	1 minute
158	< 1second (instantaneous)

39

1 (3) The following shall be heated to a minimum internal
2 temperature of 165°F for 15 seconds:

- 3 (A) Poultry.
- 4 (B) Comminuted poultry.
- 5 (C) Stuffed fish, stuffed meat, stuffed poultry, stuffed ratites,
6 stuffed pasta.
- 7 (D) Stuffing containing fish, meat, poultry, or ratites.

8 (b) Whole beef roasts, corned beef roasts, pork roasts, and
9 cured pork roasts, such as ham, shall be cooked as specified in
10 both of the following:

11 (1) In an oven that is preheated to the temperature specified
12 for the roast’s weight in the following chart and that is held at
13 that temperature.

14

Oven Type	Oven Temperature Based on Roast Weight	
	Less than 10 lbs	10 lbs or more
Still Dry	350°F or more	250°F or more
Convection	325°F or more	250°F or more
High Humidity*	250°F or less	250°F or less

15
16
17
18
19
20 *Relative humidity greater than 90% for at least 1 hour measured in the
21 cooking chamber or exit of the oven; or in a moisture-impermeable bag that
22 provides 100% humidity.
23

1 (2) As specified in the following chart, to heat all parts of the
2 food to a temperature and for the holding time that corresponds
3 to that temperature.

Temperature (°F)	Time* in Minutes	Temperature (°F)	Time* in Seconds
130	112	147	134
131	89	149	85
133	56	151	54
135	36	153	34
136	28	155	22
138	18	157	14
140	12	158	0
142	8		
144	5		
145	4		

* Holding time may include postoven heat rise.

18
19 (c) The department shall authorize alternative time and
20 temperature minimum heating requirements to thoroughly cook
21 the foods identified in this section when the food facility or
22 person demonstrates to the department that the alternative
23 heating requirements provide an equivalent level of food safety.

24 114008. Raw animal foods cooked in a microwave oven shall
25 meet all of the following requirements:

26 (a) Be rotated or stirred throughout or midway during cooking
27 to compensate for uneven distribution of heat.

28 (b) Be covered to retain surface moisture.

29 (c) Be heated to a temperature of at least 165°F in all parts of
30 the food.

31 (d) Stand covered for at least two minutes after cooking to
32 obtain temperature equilibrium.

33 114010. Fruits and vegetables that are cooked for hot holding
34 shall be cooked to a minimum temperature of 135°F.

35 114012. Except as specified in Section 114091, pasteurized
36 eggs or pasteurized egg products shall be substituted for raw
37 shell eggs in the preparation of foods such as Caesar salad,
38 hollandaise or Béarnaise sauce, mayonnaise, eggnog, ice cream,
39 and egg-fortified beverages that are not cooked as specified
40 under Section 114004, nor included in Section 114093.

1 114014. Cooked and refrigerated food that is prepared for
2 immediate service in response to an individual consumer order
3 may be served at any temperature.

4 114016. (a) Except as specified under subdivisions (b) and
5 (c), potentially hazardous food that is cooked, cooled, and
6 reheated for hot holding shall be reheated so that all parts of the
7 food reach a temperature of at least 165°F for 15 seconds.

8 (b) Except as specified under subdivision (c), potentially
9 hazardous food reheated in a microwave oven for hot holding
10 shall be reheated so that all parts of the food reach a temperature
11 of at least 165°F and the food is rotated or stirred, covered, and
12 allowed to stand covered for at least two minutes after reheating.

13 (c) Ready-to-eat food taken from a commercially processed,
14 hermetically sealed container, or from an intact package from a
15 food processing plant shall be heated to a temperature of at least
16 135°F for hot holding.

17 (d) Reheating for hot holding shall be done rapidly, and the
18 time the food is between 41°F and 165°F shall not exceed two
19 hours.

20 (e) Remaining unsliced portions of roasts that are cooked as
21 specified under Section 114004 may be reheated for hot holding
22 using the oven parameters and minimum time and temperature
23 conditions as specified in Section 114004.

24 114018. Frozen foods shall be stored and displayed in their
25 frozen state unless being thawed in accordance with Section
26 114020.

27 114020. Frozen potentially hazardous food shall only be
28 thawed in one of the following ways:

29 (a) Under refrigeration that maintains the food temperature at
30 41°F or below.

31 (b) Completely submerged under potable running water for a
32 period not to exceed two hours at a water temperature of 70°F or
33 below, and with sufficient water velocity to agitate and flush off
34 loose particles into the sink drain.

35 (c) In a microwave oven if immediately followed by diligent
36 preparation.

37 (d) As part of a cooking process.

38 114020.1. Frozen potentially hazardous food that is slacked to
39 moderate the temperature shall be held under refrigeration that

1 maintains the food temperature at 41°F or less, or at any
2 temperature if the food remains frozen.

3

4

Article 3. Food from Approved Sources

5

6 114025. Ice for use as a food or a cooling medium shall be
7 made from potable water.

8

9 114027. Fish that are received for sale or service shall be
commercially and legally caught or harvested.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

114029. (a) Molluscan shellfish shall be obtained from
sources according to law and the requirements specified in the
United States Department of Health and Human Services, Public
Health Service, Food and Drug Administration, National
Shellfish Sanitation Program Guide for the Control of Molluscan
Shellfish.

(b) Molluscan shellfish received in interstate commerce shall
be from sources that are listed in the Interstate Certified Shellfish
Shippers List.

(c) Molluscan shellfish that are recreationally caught shall not
be received for sale or service.

114031. (a) Game animals shall be received from an
approved source.

(b) A game animal shall not be received for sale or service if it
is a species of wildlife that is listed in 50 C.F.R. 17 Endangered
and Threatened Wildlife and Plants or is listed as an endangered
or threatened animal by the Department of Fish and Game.

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

(1) "Fish," as used in this subdivision, shall be defined as that
term is used in Section 45 of the Fish and Game Code.

(2) "Game," as used in this subdivision, 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.

35

36

37

Article 4. Receipt of Food

38

39

114035. (a) Food shall be inspected upon receipt and prior to
any use, storage, or resale.

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

- 4 (1) Was prepared by and received from approved sources.
- 5 (2) Is received in a wholesome condition.
- 6 (3) Is received in packages that are in good condition and that
7 protect the integrity of the contents so that the food is not
8 exposed to adulteration or potential contaminants.
- 9 (4) Is in containers and on pallets that are not infested with
10 vermin or otherwise contaminated.

11 (c) Potentially hazardous food shall be inspected for signs of
12 spoilage and randomly checked for adherence to the temperature
13 requirements as specified in Section 113996.

14 114037. (a) Except as specified in subdivision (b),
15 refrigerated, potentially hazardous food may be at a temperature
16 of 45°F or below when received, if the potentially hazardous
17 food is cooled within four hours of receipt to a temperature at or
18 below 41°F.

19 (b) If a temperature other than 41°F for a potentially hazardous
20 food is specified in law governing its distribution, the food may
21 be received at the specified temperature and cooled as specified
22 in subdivisions (d) and (e) of Section 114002.

23 (c) Live molluscan shellfish shall not be accepted unless
24 received at an internal temperature of 45°F or below, or, if
25 received on the date of harvest, at a temperature above 45°F.

26 (d) Potentially hazardous food that is received hot shall be at a
27 temperature of 135°F or above.

28 (e) A food that is labeled frozen and shipped frozen by a food
29 processing plant shall be received frozen and accepted only if
30 there are not visible signs of thawing or refreezing.

31 (f) Upon receipt, potentially hazardous food shall be free of
32 evidence of previous temperature abuse.

33 114039. (a) Raw shucked shellfish shall be obtained in
34 nonreturnable packages that bear a legible label that identifies the
35 name, address, and certification number of the shucker–packer or
36 repacker of the molluscan shellfish, and a “sell by” date for
37 packages with a capacity of less than one–half gallon, or the date
38 shucked for packages with a capacity of one–half gallon or more.

39 (b) A package of raw shucked shellfish that does not bear a
40 label or that bears a label that does not contain all the information

1 required by subdivision (a) shall be subject to Section 114393
2 and a hold order or seizure and destruction in accordance with 21
3 C.F.R. 1240.60(d).

4 114039.1. (a) Shellstock shall be obtained in containers
5 bearing legible source identification tags or labels that are affixed
6 by the harvester and each dealer that depurates, ships, or reships
7 the shellstock. Except as specified by subdivision (c), on the
8 harvester's or dealer's tag or label, the following information
9 shall be listed in the following order:

10 (1) The harvester's or dealer's name and address.

11 (2) The harvester's certification number as assigned by the
12 authority and the original shellstock shipper's certification
13 number.

14 (3) The date of harvesting.

15 (4) The most precise identification of the harvest location or
16 aquaculture site that is practicable based on the system of harvest
17 area designations that is in use by the shellfish control authority
18 and including the abbreviation of the name of the state or country
19 in which the shellfish are harvested.

20 (5) The type and quantity of shellfish.

21 (6) The following statement in bold, capitalized type: "THIS
22 TAG IS REQUIRED TO BE ATTACHED UNTIL
23 CONTAINER IS EMPTY OR RETAGGED AND
24 THEREAFTER KEPT ON FILE FOR 90 DAYS."

25 (7) The dealer's tag or label shall also indicate the original
26 shipper's certification number, including the abbreviation of the
27 name of the state or country in which the shellfish are harvested.

28 (b) A container of shellstock that does not bear a tag or label
29 or that bears a tag or label that does not contain all the
30 information required under subdivision (a) shall be subject to a
31 hold order or seizure and destruction in accordance with 21
32 C.F.R. 1240.60(d).

33 (c) If the harvester's tag or label is designed to accommodate
34 each dealer's identification, individual dealer tags or labels need
35 not be provided.

36 114039.2. When received by a food facility, shellstock shall
37 be reasonably free of mud, dead shellfish, and shellfish with
38 broken shells. Dead shellfish or shellstock with badly broken
39 shells shall be discarded.

1 114039.3. (a) Except as specified in subdivisions (b) and (c),
2 molluscan shellfish shall not be removed from the container in
3 which they are received other than immediately before sale or
4 preparation for service.

5 (b) Shellstock may be removed from the container in which
6 they are received and displayed on drained ice or held in a
7 display container. A quantity specified by a consumer may be
8 removed from the display or display container and provided to
9 the consumer if the source of the shellstock on display is
10 identified as specified under Section 114039.1 and recorded as
11 specified under Section 114039.4 and the shellstock are protected
12 from contamination.

13 (c) Shucked shellfish may be removed from the container in
14 which they were received and held in a display container from
15 which individual servings are dispensed upon a consumer's
16 request if the labeling information for the shellfish on display as
17 specified under Section 114039 is retained and correlated to the
18 date when, or dates during which, the shellfish are sold or served
19 and the shellfish are protected from contamination.

20 114039.4. (a) Except as specified by subdivision (b),
21 shellstock tags shall remain attached to the container in which the
22 shellstock are received until the container is empty.

23 (b) The identity of the source of shellstock that are sold or
24 served shall be maintained by retaining shellstock tags or labels
25 for 90 calendar days from the date the lot is emptied in the
26 following ways:

27 (1) Using a record keeping system that keeps the tags or labels
28 in chronological order correlated to the date or dates the
29 shellstock are sold or served.

30 (2) If shellstock are removed from their tagged or labeled
31 container, preserving source identification by using a record
32 keeping system as specified under paragraph (1) or ensuring that
33 shellstock from one tagged or labeled container are not
34 commingled with shellstock from another container before being
35 ordered by the consumer.

36 (3) If shellstock are portioned and prepackaged, including a
37 copy of the corresponding shellstock tag or properly labeling the
38 package with the required shellfish information.

39 114039.5. (a) Except as specified in subdivision (b),
40 molluscan shellfish life-support system display tanks shall not be

1 used to display shellfish that are offered for human consumption
2 and shall be conspicuously marked so that it is obvious to the
3 consumer that the shellfish are for display only.

4 (b) Molluscan shellfish life support system display tanks that
5 are used to store and display shellfish that are offered for human
6 consumption shall be operated and maintained in accordance
7 with a variance as specified in Section 114056 and an approved
8 HACCP plan as specified in Section 114419.3. Operation and
9 maintenance shall ensure the following:

10 (1) Water used with fish other than molluscan shellfish does
11 not flow into the molluscan tank.

12 (2) The safety and quality of the shellfish as they were
13 received are not compromised by the use of the tank.

14 (3) The identity of the source of the shellstock is retained as
15 specified in Section 114039.4.

16 (c) Molluscan shellfish life support system display tanks that
17 were approved for operation prior to the effective date of this part
18 need not comply with Sections 114417 and 114419.3.

19 114041. Shell eggs shall be received clean and sound and may
20 not exceed the restricted egg tolerances for United States
21 Consumer Grade B Standards.

22 114043. (a) Liquid, frozen, and dry eggs and egg products
23 shall be obtained pasteurized.

24 (b) Frozen milk products, such as ice cream, shall be obtained
25 pasteurized as specified in 21 C.F.R. 135 - Frozen Desserts.

26 (c) Cheese shall be obtained pasteurized unless alternative
27 procedures to pasteurization are specified in the Code of Federal
28 Regulations, including, but not limited to, 21 C.F.R. 133 –
29 Cheeses and Related Cheese Products, for curing certain cheese
30 varieties.

31

32 Article 5. Food Storage

33

34 114047. (a) Adequate and suitable space shall be provided
35 for the storage of food.

36 (b) Except as specified in subdivisions (c) and (d), food shall
37 be protected from contamination by storing the food in a clean,
38 dry location, where it is not exposed to splash, dust, vermin, or
39 other forms of contamination or adulteration, and at least six
40 inches above the floor.

1 (c) Food in packages and working containers may be stored
2 less than six inches above the floor on case lot handling
3 equipment as specified under Section 114165.

4 (d) Pressurized beverage containers, cased food in waterproof
5 containers such as bottles or cans, and milk containers in plastic
6 crates may be stored on a floor that is clean and not exposed to
7 moisture.

8 114049. Food shall not be stored in any of the following
9 ways:

10 (a) In locker rooms.

11 (b) In toilet rooms.

12 (c) In dressing rooms.

13 (d) In refuse rooms.

14 (e) In mechanical rooms.

15 (f) Under sewer lines that are not shielded to intercept
16 potential drips.

17 (g) Under leaking water lines, including leaking automatic fire
18 sprinkler heads, or under lines on which water has condensed.

19 (h) Under open stairwells.

20 (i) Under other sources of contamination.

21 114051. Working containers holding food or food ingredients
22 that are removed from their original packages for use in the food
23 facility, such as cooking oils, flour, herbs, potato flakes, salt,
24 spices, and sugar, shall be identified with the common name of
25 the food, except that containers holding food that can be readily
26 and unmistakably recognized, such as dry pasta, need not be
27 identified.

28 114053. (a) Prepackaged food may not be stored in direct
29 contact with ice or water if the food is subject to the entry of
30 water because of the nature of its packaging, wrapping, or
31 container, or its positioning in the ice or water.

32 (b) Except as specified in subdivisions (c) and (d),
33 nonprepackaged food may not be stored in direct contact with
34 undrained ice.

35 (c) Whole raw fruits or vegetables, cut raw vegetables, and
36 tofu may be immersed in ice or water.

37 (d) Raw chicken and raw fish that are received immersed in
38 ice in shipping containers may remain in that condition while in
39 storage awaiting preparation, display, service, or sale.

1 114055. (a) Products that are held by the permit holder for
2 credit, redemption, or return to the distributor, such as damaged,
3 spoiled, or recalled products, shall be segregated and held in
4 designated areas that are separated from food, equipment,
5 utensils, linens, and single-use articles.

6 (b) All returned or damaged food products and food products
7 from which the label has been removed shall be separated and
8 stored in a separate area and in a manner that shall prevent
9 adulteration of other foods and shall not contribute to a vermin
10 problem.

11

12 Article 6. Specialized Processing Methods

13

14 114056. A food facility shall obtain a variance from the
15 department as specified in Sections 114417 to 114417.2,
16 inclusive, before doing any of the following:

17 (a) Smoking food as method of food preservation rather than
18 as a method of flavor enhancement.

19 (b) Curing food.

20 (c) Using food additives or adding components such as
21 vinegar as a method of food preservation rather than as a method
22 of flavor enhancement, or to render a food so that it is not
23 potentially hazardous.

24 (d) Packaging food using a oxygen-reduced packaging
25 method, except as specified in Section 114057.1, where a barrier
26 to *Clostridium botulinum* in addition to refrigeration exists.

27 (e) Operating a molluscan shellfish life support system display
28 tank used to store and display shellfish that are offered for human
29 consumption.

30 (f) Custom processing animals that are for personal use as
31 food and not for sale or service in a food facility.

32 (g) Preparing food by another method that is determined by
33 the enforcement agency to require a variance.

34 114057. (a) Potentially hazardous foods that are packed by
35 the food facility in oxygen-reduced packaging or have been
36 partially cooked and sealed in any container or configuration that
37 creates anaerobic conditions shall be plainly date coded. The date
38 coding shall state "Use By," followed by the appropriate month,
39 day, and year.

1 (b) For purposes of this section, “partially cooked” means not
2 sufficiently cooked to assure commercial sterility or to have
3 barriers to prevent the growth of or toxin formation by
4 *Clostridium botulinum*.

5 114057.1. (a) A food facility that packages food using a
6 oxygen-reduced packaging method and *Clostridium botulinum* is
7 identified as a microbiological hazard in the final prepackaged
8 form shall ensure that there are at least two barriers in place to
9 control the growth and toxin formation of *Clostridium botulinum*.

10 (b) A food facility that packages food using a oxygen-reduced
11 packaging method and *Clostridium botulinum* is identified as a
12 microbiological hazard in the final prepackaged form shall have
13 an approved HACCP plan that does all of the following:

14 (1) Contains the information specified under Section
15 114419.1.

16 (2) Identifies the food to be prepackaged.

17 (3) Limits the food prepackaged to a food that does not
18 support the growth of *Clostridium botulinum* because it complies
19 with one of the following:

20 (A) Has an a_w of 0.91 or less.

21 (B) Has a pH of 4.6 or less.

22 (C) Is a meat or poultry product cured at a food processing
23 plant regulated by the U.S.D.A. and is received in an intact
24 package.

25 (D) Is a food with a high level of competing organisms, such
26 as raw meat or raw poultry.

27 (4) Specifies methods for maintaining food at 41°F or below.

28 (5) Describes how the packages shall be prominently and
29 conspicuously labeled on the principal display panel in bold type
30 on a contrasting background, with instructions to maintain the
31 food at 41°F or below and discard the food if within 14 calendar
32 days of its packaging it is not served for on-premises
33 consumption, or consumed if served or sold for off-premises
34 consumption.

35 (6) Limits the refrigerated shelf life to no more than 14
36 calendar days from packaging to consumption, except the time
37 product is maintained frozen, or the original manufacturer’s “sell
38 by” or “use by” date, whichever occurs first.

39 (7) Includes operational procedures that prohibit contacting
40 food with bare hands, identify a designated area and the method

1 by which physical barriers or methods of separation of raw foods
2 and ready-to-eat foods minimize cross contamination and access
3 to the processing equipment is restricted to responsible trained
4 personnel familiar with the potential hazards of the operation,
5 and delineate cleaning and sanitization procedures for
6 food-contact surfaces.

7 (8) Describes the training program that ensures that
8 individuals responsible for the reduced oxygen packaging
9 operation understand the concepts required for a safe operation,
10 the equipment and facilities, and the procedures specified under
11 paragraph (7) and Section 114419.1.

12 (c) Except for fish that is frozen before, during, and after
13 packaging, a food facility shall not package fish using a reduced
14 oxygen packaging method.

15

16 Article 7. Food Display and Service

17

18 114060. (a) Except for nuts in the shell and whole raw fruits
19 and vegetables that are intended for hulling, peeling, or washing
20 by the consumer before consumption, food on display shall be
21 protected from contamination by the use of packaging, counter,
22 service line, or sneeze guards that intercept a direct line between
23 the customer's mouth and the food being displayed, containers
24 with tight-fitting securely attached lids, display cases,
25 mechanical dispensers, or other effective means.

26 (b) Nonprepackaged food may be displayed and sold in bulk in
27 other than self-service containers if both of the following
28 conditions are satisfied:

29 (1) The food is served by a food employee directly to a
30 consumer.

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

33 114063. (a) Raw, nonprepackaged animal food, such as beef,
34 lamb, pork, poultry, and eviscerated fish, shall not be offered for
35 consumer self-service. This paragraph does not apply to the
36 following:

37 (1) Consumer self-service of ready-to-eat foods at buffets or
38 salad bars that serve foods such as sushi or raw shellfish.

39 (2) Ready-to-cook individual portions for immediate cooking
40 and consumption on the premises, such as consumer-cooked

1 meats or consumer-selected ingredients for Mongolian barbecue,
2 or raw, frozen shrimp, lobster, finfish, or scallop abductor
3 muscle, or frozen breaded seafood.

4 (b) Nonprepackaged food may be displayed in bulk for
5 consumer self-service if all of the following conditions are
6 satisfied:

7 (1) Food, except raw animal food, such as beef, lamb, pork,
8 poultry, and eviscerated fish, and produce requiring further
9 processing may be displayed on open counters or in containers.

10 (2) Except for salad bar and buffet-type food service, a label
11 shall be conspicuously displayed in plain view of the consumer
12 and securely attached to each self-service container, or in clear
13 relationship thereto, and shall contain the information required in
14 Section 114089.

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

17 (c) French style, hearth-baked, or hard-cruste loaves and
18 rolls shall be considered properly wrapped if contained in an
19 open-end bag of sufficient size to enclose the loaves or rolls.

20 (d) Consumer self-service operations for ready-to-eat foods
21 such as buffets and salad bars shall be provided with a suitable
22 food dispensing utensil for each container displayed or effective
23 dispensing methods that protect the food from contamination.

24 (e) Consumer self-service operations such as buffets and salad
25 bars shall be checked periodically on a regular basis by food
26 employees trained in safe operating procedures.

27 114065. Notwithstanding Section 114266, this section shall
28 not be construed to require the enclosure, during operating hours,
29 of consumer self-service nonpotentially hazardous bulk beverage
30 dispensing operations that meet the following requirements:

31 (a) The dispensing operation is installed contiguous with a
32 permanent food facility and is operated by the food facility.

33 (b) The beverages are dispensed from enclosed equipment that
34 precludes exposure of the beverages until they are dispensed at
35 the nozzles. The dispensing equipment actuating lever or
36 mechanism and filling device of consumer self-service beverage
37 dispensing equipment shall be designed to prevent contact with
38 the lip-contact surface of glasses or cups that are refilled.

1 (c) Ice and ice product are dispensed only from an ice product
2 dispenser. Ice and ice product are not scooped or manually
3 loaded into a dispenser out-of-doors.

4 (d) Single-use utensils are protected from contamination and
5 are individually wrapped or dispensed from approved sanitary
6 dispensers.

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

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

12 (g) The owner or operator of the permanent food facility
13 demonstrates to the enforcement agency that acceptable methods
14 are in place to properly clean and sanitize the beverage
15 dispensing equipment.

16 (h) Beverage dispensing operations are in compliance with
17 Section 113980 and have been approved by the enforcement
18 agency.

19 (i) Beverage dispensing operations are under the constant and
20 complete control of the permitholder of the permanent food
21 facility who is operating the dispensing equipment.

22 114067. (a) Satellite food service is restricted to limited food
23 preparation.

24 (b) Satellite food service shall only be operated by a fully
25 enclosed permanent food facility that meets the requirements for
26 food preparation and service and that is responsible for servicing
27 the satellite food service operation.

28 (c) Prior to conducting satellite food service, the permitholder
29 of the permanent food facility shall submit to the enforcement
30 agency written standard operating procedures that include all of
31 the following information:

32 (1) All food products that will be handled and dispensed.

33 (2) The proposed procedures and methods of food preparation
34 and handling.

35 (3) Procedures, methods, and schedules for cleaning utensils,
36 equipment, structures, and for the disposal of refuse.

37 (4) How food will be transported to and from the permanent
38 food facility and the satellite food service operation, and steps
39 taken to prevent contamination of foods.

1 (5) How potentially hazardous foods will be maintained at or
2 below 41°F or at or above 135°F.

3 (d) All food preparation shall be conducted within a food
4 compartment or fully enclosed facility approved by the
5 enforcement officer.

6 (e) Satellite food service areas shall have overhead protection
7 that extends over all food handling areas.

8 (f) Satellite food service operations that handle
9 nonprepackaged food shall be equipped with approved,
10 permanently plumbed handwashing facilities and warewashing
11 facilities.

12 (g) Notwithstanding subdivision (f), the local enforcement
13 agency may approve the use of alternative warewashing
14 facilities.

15 (h) Food and utensils shall be stored inside the fully enclosed
16 permanent food facility when satellite food service is not being
17 conducted.

18 (i) Satellite food service activities shall be conducted by and
19 under the constant and complete control of the permitholder of
20 the fully enclosed permanent food facility.

21 (j) During nonoperating hours and periods of inclement
22 weather, satellite food service operations shall be completely
23 enclosed to exclude vermin, or stored inside the fully enclosed
24 permanent food facility.

25 114069. Only prepackaged nonpotentially hazardous food or
26 uncut produce may be displayed or sold outdoors by a food
27 facility if all of the following conditions are satisfied:

28 (a) Outdoor displays have overhead protection that extends
29 over all food items.

30 (b) Food items from the outdoor display are stored inside the
31 fully enclosed food facility at all times other than during business
32 hours.

33 (c) Outdoor displays comply with Section 113980 and have
34 been approved by the enforcement agency.

35 (d) Outdoor displays are under the control of the permitholder
36 of the fully enclosed food facility and are checked periodically
37 on a regular basis.

38 114073. (a) Single-use articles shall not be reused.

1 (b) Bulk milk container dispensing tubes shall be cut on the
2 diagonal leaving no more than one inch protruding from the
3 chilled dispensing head.

4 114074. (a) If tableware is preset, it shall be protected from
5 contamination by being wrapped, covered, or inverted.

6 (b) Exposed, unused settings shall be removed when a
7 consumer is seated.

8 (c) Exposed, unused settings shall be cleaned and sanitized
9 before further use if the settings are not removed when a
10 consumer is seated.

11 114075. (a) Except for refilling a consumer's drinking cup or
12 container without contact between the pouring utensil and the
13 lip-contact area of the drinking cup or container, food employees
14 shall not use tableware, including single-use articles, soiled by
15 the consumer, to provide second portions or refills.

16 (b) Except as specified in subdivision (c), self-service
17 consumers shall not be allowed to use soiled tableware, including
18 single-use articles, to obtain additional food from the display and
19 serving equipment.

20 (c) Consumers shall be notified that clean tableware is to be
21 used when they return to self-service areas such as salad bars and
22 buffets.

23 (d) Drinking cups and containers may be reused by
24 self-service consumers if refilling is a contamination-free
25 process as specified in subdivision (a).

26 (e) Personal take-out beverage containers, such as thermally
27 insulated bottles, nonspill coffee cups, and promotional beverage
28 glasses, may be refilled by employees or the consumer if refilling
29 is a contamination-free process as specified in subdivision (a).

30 114077. Condiments shall be protected from contamination
31 by being kept in dispensers that are designed to provide
32 protection, protected food displays provided with the proper
33 utensils, original containers designed for dispensing, or
34 individual packages or portions.

35 114079. (a) Except as specified in subdivision (b), after being
36 served or sold and in the possession of a consumer, food that is
37 unused or returned by the consumer shall not be offered as food
38 for human consumption.

39 (b) A container of food that is not potentially hazardous may
40 be transferred from one consumer to another if the food is

1 dispensed so that it is protected from contamination and the
2 container is closed between uses, such as a narrow-neck bottle
3 containing catsup, steak sauce, or wine, if the food, such as
4 crackers, salt, or pepper, is in an unopened original package and
5 is maintained in sound condition, or if the food is checked
6 periodically on a regular basis.

7 114081. (a) Single-use articles and cleaned and sanitized
8 multiservice utensils shall be handled, displayed, and dispensed
9 so that contamination of food and lip-contact surfaces is
10 prevented.

11 (b) Knives, forks, and spoons that are not prewrapped shall be
12 presented so that only the handles are touched by employees, and
13 by consumers if consumer self-service is provided.

14 (c) Except as specified under subdivision (b), single-use
15 articles that are intended for food or lip-contact shall be
16 furnished for consumer self-service with the original individual
17 wrapper intact or from an approved dispenser.

18 114083. Soiled tableware shall be removed from consumer
19 eating and drinking areas and handled so that clean tableware,
20 food, and food-contact surfaces are not contaminated.

21

22 Article 8. Consumer Advisories

23

24 114087. (a) Food shall be offered for human consumption in
25 a way that does not mislead or misinform the consumer.

26 (b) Food or color additives, colored overwraps, lights or other
27 misleading artificial means shall not be used to misrepresent the
28 true appearance, color, or quality of a food.

29 114089. (a) Food prepackaged in a food facility shall bear a
30 label that complies with the labeling requirements prescribed by
31 the Sherman Food, Drug, and Cosmetic Law (Part 5
32 (commencing with Section 109875)), 21 C.F.R. 101 Food
33 Labeling, 9 C.F.R. 317 Labeling, Marking Devices, and
34 Containers, and 9 C.F.R. 381 Subpart N Labeling and
35 Containers, and as specified under Sections 114039 and
36 114039.1.

37 (b) Label information shall include the following:

38 (1) The common name of the food, or absent a common name,
39 an adequately descriptive identity statement.

1 (2) If made from two or more ingredients, a list of ingredients
2 in descending order of predominance by weight, including a
3 declaration of artificial color or flavor and chemical
4 preservatives, if contained in the food.

5 (3) An accurate declaration of the quantity of contents.

6 (4) The name and place of business of the manufacturer,
7 packer, or distributor.

8 (5) Except as exempted in the Federal Food, Drug, and
9 Cosmetic Act Section 403(Q)(3)–(5) (21 U.S.C. Sec.
10 343(q)(3)–(5), incl.), nutrition labeling as specified in 21 C.F.R.
11 101-Food Labeling and 9 C.F.R. 317 Subpart B Nutrition
12 Labeling.

13 (c) Bulk food that is available for consumer self-service shall
14 be prominently labeled with the following information in plain
15 view of the consumer:

16 (1) The manufacturer’s or processor’s label that was provided
17 with the food.

18 (2) A card, sign, or other method of notification that includes
19 the information specified under paragraphs (1), (2), and (5) of
20 subdivision (b).

21 114089.1. (a) Except as specified in subdivision (c) of
22 Section 114089, every bakery product shall have a protective
23 wrapping that shall bear a label that complies with the labeling
24 requirements prescribed by the Sherman Food, Drug, and
25 Cosmetic Law (Part 5 (commencing with Section 109875)).

26 (b) Bakery products sold directly to a restaurant, catering
27 service, retail bakery, or sold over the counter directly to the
28 consumer by the manufacturer or bakery distributor shall be
29 exempt from the labeling provisions of this section.

30 (c) French style, hearth-baked, or hard-crusted loaves and
31 rolls shall be considered properly wrapped if contained in an
32 open-end bag that encloses the loaves or rolls.

33 114090. (a) If required by law, consumer warnings shall be
34 provided.

35 (b) Food facility’s or manufacturers dating information on
36 foods may not be concealed or altered.

37 114091. In a supervised care food facility:

38 (a) Only pasteurized juice may be served.

1 (b) Only pasteurized fluid and dry milk and milk products
2 complying with Grade A standards as specified in LAW shall be
3 served.

4 (c) Pasteurized shell eggs or pasteurized liquid, frozen, or dry
5 eggs or egg products shall be substituted for raw shell eggs in the
6 preparation of foods such as Caesar salad, hollandaise or
7 béarnaise sauce, mayonnaise, egg-nog, ice cream, and
8 egg-fortified beverages, and, except as specified in subdivision
9 (e), recipes in which more than one egg is broken and the eggs
10 are combined.

11 (d) Food in an unopened original package shall not be
12 re-served.

13 (e) The following foods may not be served or offered for sale
14 in a ready-to-eat form:

15 (1) Raw animal foods such as raw fish, raw-marinated fish,
16 raw molluscan shellfish, and steak tartare.

17 (2) A partially cooked animal food, such as lightly cooked
18 fish, rare meat, soft-cooked eggs, that is made from raw shell
19 eggs, and meringue.

20 (3) Raw seed sprouts.

21 (f) Subdivision (c) does not apply in any of the following
22 instances:

23 (1) The raw eggs are combined immediately before cooking
24 for one consumer's serving at a single meal, cooked as specified
25 under Section 114004, and served immediately, such as an
26 omelet, soufflé, or scrambled eggs.

27 (2) The raw eggs are combined as an ingredient immediately
28 before baking and the eggs are thoroughly cooked to a
29 ready-to-eat form, such as a cake, muffin, or bread.

30 (3) The preparation of the food is conducted under a HACCP
31 plan that:

32 (A) Identifies the food to be prepared.

33 (B) Prohibits contacting ready-to-eat food with bare hands.

34 (C) Includes specifications and practices that ensure
35 Salmonella Enteritidis growth is controlled before and after
36 cooking and is destroyed by cooking the eggs to an internal
37 temperature of 145°F.

38 (D) Contains the information specified under a HACCP plan,
39 including procedures that control cross contamination of ready to

1 eat food with raw eggs, and delineate cleaning and sanitization
2 procedures for food-contact surfaces.

3 (E) Describes the training program that ensures that the food
4 employee responsible for the preparation of the food understands
5 the procedures to be used.

6 114093. Notwithstanding Section 114004, a ready-to-eat
7 salad dressing or sauce containing a raw or less-than-thoroughly
8 cooked egg as an ingredient, and other ready-to-eat foods made
9 from or containing eggs, comminuted meat, or single pieces of
10 meat, including beef, veal, lamb, pork, poultry, fish, and seafood,
11 that are raw or have not been thoroughly cooked as specified in
12 Section 114004 may be served if either of the following
13 requirements is met:

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

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

19 114093.1. (a) Any food facility that serves or sells over the
20 counter directly to the consumer an unlabeled or nonprepackaged
21 food that is a confectionery that contains alcohol in excess of
22 one-half of 1 percent by weight shall provide written notice to
23 the consumer of that fact.

24 (b) The notice shall be prominently displayed or be provided
25 in some other manner, as determined by the department.

26 (c) The department shall adopt regulations to govern the notice
27 required by this section in order to effectuate the purposes of this
28 section.

29

30 CHAPTER 5. CLEANING AND SANITIZING OF EQUIPMENT AND
31 UTENSILS

32

33 114095. All food facilities in which food is prepared or in
34 which multiservice utensils and equipment are used shall provide
35 manual methods to effectively clean and sanitize utensils as
36 specified in Section 114099.

37 114097. Equipment food-contact surfaces and multiservice
38 utensils shall be effectively washed to remove or completely
39 loosen soils by the use of manual or mechanical methods
40 necessary, such as the application of detergents containing

1 wetting agents and emulsifiers, acid, alkaline, or abrasive
2 cleaners, hot water, brushes, scouring pads, high pressure sprays,
3 or ultrasonic devices.

4 114099. (a) Manual warewashing sinks, except as specified
5 in subdivision (c), shall have at least three compartments with
6 two integral metal drainboards for manually washing, rinsing,
7 and sanitizing equipment and utensils.

8 (b) Sink compartments shall be large enough to accommodate
9 immersion of the largest equipment and utensils. If equipment or
10 utensils are not designed to be washed in a warewashing sink,
11 alternate approved methods as specified in Section 114099.3
12 shall be followed.

13 (c) A two compartment sink that is in use on January 1, 1996,
14 need not be replaced when used as specified in Section 114099.3.
15 The enforcement officer shall approve the continued use of a
16 two-compartment sink even upon replacement if the installation
17 of a three-compartment sink would not be readily achievable and
18 where other approved sanitation methods are used.

19 114099.1. (a) During manual or mechanical warewashing,
20 food debris on equipment and utensils shall be scraped over a
21 waste disposal unit, scupper, or garbage receptacle.

22 (b) If necessary for effective cleaning, utensils and equipment
23 shall be preflushed, presoaked, or scrubbed with abrasives.

24 114099.2. (a) Notwithstanding Section 114099, manual
25 warewashing shall be accomplished by using a
26 three-compartment sink where the utensils are first precleaned,
27 then washed, rinsed, sanitized, and air dried.

28 (b) The temperature of the washing solution shall be
29 maintained at not less than 110°F or the temperature specified on
30 the cleaning agent manufacturer's label instructions.

31 (c) The utensils shall then be rinsed in clear water before being
32 immersed in a sanitizing solution.

33 (d) Manual sanitization shall be accomplished as specified in
34 Section 114099.6.

35 (e) In-place sanitizing shall be accomplished as specified in
36 Section 114099.6.

37 (f) Other methods may be used if approved by the enforcement
38 agency.

39 114099.3. (a) Alternative manual warewashing equipment
40 may be used when there are special cleaning needs or constraints,

1 such as when equipment is fixed or the utensils are large, and the
2 enforcement agency has approved the use of the alternative
3 equipment. Alternative manual warewashing equipment may
4 include any of the following:

- 5 (1) High-pressure detergent sprayers.
- 6 (2) Low-or-line pressure spray detergent foamers.
- 7 (3) Other task-specific cleaning equipment.
- 8 (4) Brushes or other implements.

9 (b) The permit holder shall limit the number of utensils cleaned
10 and sanitized in the two-compartment sink, and shall limit
11 warewashing to batch operations for cleaning and sanitizing
12 utensils such as between cutting one type of raw meat and
13 another or cleanup at the end of a shift, and shall do all of the
14 following:

15 (1) Make up the cleaning and sanitizing solutions immediately
16 before use and drain them immediately after use.

17 (2) Use a detergent sanitizer to clean and sanitize in
18 accordance with the manufacturer's label instructions where
19 there is no distinct water rinse between the washing and
20 sanitizing steps. The agent applied in the sanitizing step shall be
21 the same detergent sanitizer that is used in the washing step.

22 (3) Use a hot water sanitization immersion step that
23 incorporates a nondistinct water rinse.

24 (c) Written operational procedures shall be approved by the
25 enforcement agency if they effectively demonstrate the cleaning
26 and sanitization of food-contact surfaces and utensils.

27 (d) A two-compartment sink shall not be used for
28 warewashing operations where cleaning and sanitizing solutions
29 are used for a continuous or intermittent flow of utensils in an
30 ongoing warewashing process.

31 114099.4. If hot water is used for sanitization in manual
32 warewashing operations, the sanitizing compartment of the sink
33 shall be designed with an integral heating device that is capable
34 of maintaining water at a temperature not less than 171°F and
35 provided with a rack or basket to allow complete immersion of
36 equipment and utensils into the hot water.

37 114099.5. In manual warewashing operations, a temperature
38 measuring device shall be provided and readily accessible for
39 frequently measuring the washing and sanitizing temperatures.

1 114099.6. Manual or mechanical sanitization shall be
2 accomplished in the final sanitizing rinse by one of the
3 following:

4 (a) Hot water manual operations by immersion for at least 30
5 seconds where the water temperature is maintained at 171°F or
6 above.

7 (b) Hot water mechanical operations by being cycled through
8 equipment that is used in accordance with the manufacturer's
9 specifications and achieving a utensil surface temperature of
10 160°F as measured by an irreversible registering temperature
11 indicator.

12 (c) Chemical manual or mechanical operations, including the
13 applications of sanitizing chemicals by immersion, manual
14 swabbing, brushing, or pressure spraying methods, using one of
15 the following solutions:

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

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

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

22 (4) Contact with any chemical sanitizer that meets the
23 requirements of 21 C.F.R. 178.1010 when used in accordance
24 with the manufacturer's use directions as specified on the product
25 label.

26 (d) Other methods may be used if approved by the
27 enforcement agency.

28 114101. (a) Mechanical machine warewashing shall be
29 accomplished by using an approved machine installed and
30 operated in accordance with the manufacturer's specifications.

31 (b) Soiled items to be cleaned in a warewashing machine shall
32 be loaded in racks, trays, or baskets or onto conveyors in a
33 position that exposes the items to the unobstructed spray during
34 all cycles and allows the items to drain.

35 (c) The velocity, quantity, and distribution of the washwater,
36 type, and concentration of detergent used therein, and the time
37 the utensils are exposed to the water shall be sufficient to clean
38 the utensils.

39 (d) Supervised care facilities constructed or remodeled prior to
40 the effective date of this part, and restricted food service facilities

1 need not comply with Section 114130 if the domestic or
2 commercial dishwasher utilized for warewashing is capable of
3 providing heat to the surface of the utensils of a temperature of at
4 least 160°F.

5 114101.1. A warewashing machine shall be provided with an
6 easily accessible and readable data plate affixed to the machine
7 by the manufacturer that indicates the machine's design and
8 operating specifications including the temperatures required for
9 washing, rinsing, and sanitizing, the pressure required for the
10 fresh water sanitizing rinse, unless the machine is designed to use
11 only a pumped sanitizing rinse, and the conveyor speed for
12 conveyor machines or cycle time for stationary rack machines.

13 114101.2. A warewashing machine shall be equipped with a
14 temperature measuring device that indicates the temperature of
15 the water as the water enters the hot water sanitizing final rinse
16 manifold or in the chemical sanitizing solution tank.

17 114103. (a) Except as provided in subdivisions (b) and (c),
18 all warewashing equipment shall be provided with two integral
19 metal drainboards of adequate size and construction. One
20 drainboard shall be attached at the point of entry for soiled
21 equipment and utensils and one shall be attached at the point of
22 exit for cleaned and sanitized equipment and utensils.

23 (b) Where an undercounter warewashing machine is used,
24 there shall be two metal drainboards, one for soiled equipment
25 and utensils, and one for clean equipment and utensils, located
26 adjacent to the machine. This requirement may be satisfied by
27 using the drainboards that are part of the manual warewashing
28 sinks if the facilities are located adjacent to the machine.

29 (c) Pot and pan washers shall be equipped with drainboards as
30 required in subdivision (a), or shall be equipped with approved
31 alternative equipment that provides adequate and suitable space
32 for soiled and clean equipment and utensils.

33 (d) Drainboards, utensil racks, or tables large enough to
34 accommodate all soiled and cleaned items that may accumulate
35 during hours of operation shall be provided for necessary utensil
36 holding before cleaning and after sanitizing.

37 (e) Sinks and drainboards of warewashing equipment shall be
38 sloped and drained to an approved liquid waste receptor.

39 114105. After cleaning and sanitizing, equipment and utensils
40 shall be air dried or used after adequate draining before contact

1 with food and shall not be cloth dried, except that utensils that
2 have been air dried may be polished with cloths that are
3 maintained clean and dry.

4 114107. (a) Testing equipment and materials shall be
5 provided to adequately measure the applicable sanitization
6 method used during manual or mechanical warewashing.

7 (b) The concentration of the sanitizing solution shall be
8 accurately determined to ensure proper dosage.

9 114109. (a) Drying agents used in conjunction with
10 sanitization shall contain only components that are listed as one
11 of the following:

12 (1) Generally Recognized as Safe for use in food as specified
13 in 21 C.F.R. 182 – Substances Generally Recognized as Safe, or
14 21 C.F.R. 184 – Direct Food Substances Affirmed as Generally
15 Recognized as Safe.

16 (2) Generally Recognized as Safe for the intended use as
17 specified in 21 C.F.R. 186 – Indirect Food Substances Affirmed
18 as Generally Recognized as Safe.

19 (3) Approved for use as a drying agent under a prior sanction
20 specified in 21 C.F.R. 181 – Prior-Sanctioned Food Ingredients.

21 (4) Specifically regulated as an indirect food additive for use
22 as a drying agent as specified in 21 C.F.R. 175–178, inclusive.

23 (5) Approved for use as a drying agent under the threshold of
24 regulation process established by 21 C.F.R. 170.39.

25 (b) When sanitization is with chemicals, the approval required
26 under paragraph (3) or (5) of subdivision (a) or the regulation as
27 an indirect food additive required under paragraph (4) of
28 subdivision (a), shall be specifically for use with chemical
29 sanitizing solutions.

30 114111. (a) If used, dry cleaning methods such as brushing,
31 scraping, and vacuuming shall contact only surfaces that are
32 soiled with dry nonpotentially hazardous food residues.

33 (b) Cleaning equipment used in dry cleaning food-contact
34 surfaces shall not be used for any other purpose.

35 114113. Food shall only contact surfaces of equipment and
36 utensils that are cleaned and sanitized.

37 114115. (a) Equipment food-contact surfaces and utensils
38 shall be clean to sight and touch.

1 (b) The food-contact surfaces of cooking equipment and pans
2 shall be kept free of encrusted grease deposits and other soil
3 accumulations.

4 (c) Nonfood-contact surfaces of equipment shall be kept free
5 of an accumulation of dust, dirt, food residue, and other debris.

6 (d) Equipment shall be reassembled so that food-contact
7 surfaces are not contaminated.

8 114117. (a) Equipment food-contact surfaces and utensils
9 shall be cleaned at the following times:

10 (1) Except as specified in subdivision (b), before each use with
11 a different type of raw animal food such as beef, fish, lamb, pork,
12 or poultry.

13 (2) Each time there is a change from working with raw foods
14 to working with ready-to-eat foods.

15 (3) Between uses with raw produce and with potentially
16 hazardous food.

17 (4) Before using or storing a food temperature measuring
18 device.

19 (5) At any time during the operation when contamination may
20 have occurred.

21 (b) Paragraph (1) of subdivision (a) does not apply if the food
22 contact surface or utensil is in contact with a succession of
23 different raw animal foods, each requiring a higher cooking
24 temperature as specified in Section 114004 than the previous
25 food, such as preparing raw fish followed by cutting raw poultry
26 on the same cutting board.

27 (c) Except as specified in subdivision (d), if used with
28 potentially hazardous food, equipment food-contact surfaces and
29 utensils shall be cleaned throughout the day at least every four
30 hours.

31 (d) Surfaces of utensils and equipment contacting potentially
32 hazardous food may be cleaned less frequently than every four
33 hours if any of the following occurs:

34 (1) In storage, containers of potentially hazardous food and
35 their contents are maintained at temperatures as specified in
36 Section 113996 and the containers are cleaned when they are
37 empty.

38 (2) Utensils and equipment are used to prepare food in a
39 refrigerated room or area that is maintained at or below 55°F. In
40 that case, the utensils and equipment shall be cleaned at the

1 frequency that corresponds to the temperature as depicted in the
 2 following chart and the cleaning frequency based on the ambient
 3 temperature of the refrigerated room or area shall be documented
 4 and records shall be maintained in the food facility and made
 5 available to the enforcement agency upon request.

Temperature	Cleaning Frequency
5.0°C (41°F) or less	24 hours
>5.0°C – 7.2°C (>41°F–45°F)	20 hours
>7.2°C – 10.0°C (>45°F–50°F)	16 hours
>10.0°C – 12.8°C (>50°F–55°F)	10 hours

16 (3) Containers in serving situations such as salad bars, delis,
 17 and cafeteria lines hold ready-to-eat potentially hazardous food
 18 that is maintained at the temperatures specified in Section
 19 113996 are intermittently combined with additional supplies of
 20 the same food that is at the required temperature, and the
 21 containers are cleaned at least every 24 hours.

22 (4) Temperature measuring devices are maintained in contact
 23 with food, such as when left in a container of deli food or in a
 24 roast, held at temperatures specified in Sections 113996 and
 25 114004.

26 (5) Equipment is used for storage of packaged or unpackaged
 27 food, such as a reach-in refrigerator, and the equipment is
 28 cleaned at a frequency necessary to preclude accumulation of soil
 29 residues.

30 (6) The cleaning schedule is approved based on consideration
 31 of characteristics of the equipment and its use, the type of food
 32 involved, the amount of food residue accumulation, and the
 33 temperature at which the food is maintained during the operation
 34 and the potential for the rapid and progressive multiplication of
 35 pathogenic or toxigenic micro-organisms that are capable of
 36 causing foodborne disease.

37 (7) In-use utensils are intermittently stored in a container of
 38 water in which the water is maintained at 135°F or higher and the

1 utensils and container are cleaned at least every 24 hours or at a
2 frequency necessary to preclude accumulation of soil residues.

3 (e) Except when dry cleaning methods are used as specified in
4 Section 114111, surfaces of utensils and equipment contacting
5 food that is not potentially hazardous shall be cleaned in any of
6 the following circumstances:

7 (1) At any time when contamination may have occurred.

8 (2) At least every 24 hours for iced tea dispensers and
9 consumer self-service utensils such as tongs, scoops, or ladles.

10 (3) Before restocking consumer self-service equipment and
11 utensils such as condiment dispensers and display containers.

12 (4) In equipment such as ice bins and beverage dispensing
13 nozzles and enclosed components of equipment such as ice
14 makers, cooking oil storage tanks and distribution lines, beverage
15 and syrup dispensing lines or tubes, coffee bean grinders, and
16 water vending equipment, at a frequency specified by the
17 manufacturer, or, absent manufacturer specifications, at a
18 frequency necessary to preclude accumulation of soil or mold.

19 114119. During pauses in food preparation or dispensing,
20 food preparation and dispensing utensils shall be stored in a
21 manner that meets all of the following requirements:

22 (a) Except as specified under subdivision (b), in the food with
23 their handles above the top of the food and the container.

24 (b) In food that is not potentially hazardous, with their handles
25 above the top of the food within containers or equipment that can
26 be closed, such as bins of sugar, flour, or cinnamon.

27 (c) On a clean portion of the food preparation table or cooking
28 equipment only if the in-use utensil and the food-contact surface
29 of the food preparation table or cooking equipment are cleaned
30 and sanitized at a frequency specified under Section 114117.

31 (d) In running water of sufficient velocity to flush particulates
32 to the drain, if used with moist food such as ice cream or mashed
33 potatoes.

34 (e) In a clean, protected location if the utensils, such as ice
35 scoops, are used only with a food that is not potentially
36 hazardous.

37 (f) In a container of water if the water is maintained at a
38 temperature of at least 135°F and the container is cleaned at least
39 every 24 hours or at a frequency necessary to preclude the
40 accumulation of soil residues.

1 114121. (a) Except as specified in subdivision (b) and (c),
2 returned empty containers intended for refilling with food or
3 beverage shall be cleaned and refilled in an approved facility.

4 (b) Consumer-owned containers returned to the food facility
5 for refilling may be refilled and returned to the same consumer if
6 the container is refilled by an employee of the food facility or the
7 owner of the container if the dispensing system includes a
8 contamination free transfer process that cannot be bypassed by
9 the container owner.

10 (c) Consumer-owned containers that are not food specific may
11 be filled at a water vending machine or system.

12 114123. Except as specified in Section 114125, food
13 preparation sinks, handwashing lavatories, and warewashing
14 equipment shall not be used for the cleaning of maintenance
15 tools, the preparation or holding of maintenance materials, or the
16 disposal of mop water and similar liquid wastes.

17 114125. (a) A warewashing sink shall not be used for
18 handwashing except in food facilities that were not constructed
19 or extensively remodeled since January 1, 1996, and where there
20 are no facilities exclusively for handwashing in food preparation
21 areas.

22 (b) If a warewashing sink is used to wash wiping cloths, wash
23 produce, or thaw food, the sink shall be cleaned and sanitized
24 before and after each time it is used to wash wiping cloths or
25 wash produce or thaw food.

26

27 CHAPTER 6. EQUIPMENT, UTENSILS, AND LINENS

28

29 Article 1. Design and Construction

30

31 114130. (a) Equipment and utensils shall be designed and
32 constructed to be durable and to retain their characteristic
33 qualities under normal use conditions.

34 (b) Except as specified in subdivision (c), all new and
35 replacement food-related and utensil-related equipment shall be
36 certified or classified for sanitation by an American National
37 Standards Institute (ANSI) accredited certification program. In
38 the absence of an applicable ANSI certified sanitation standard,
39 food-related and utensil-related equipment shall be evaluated for
40 approval by the enforcement agency.

1 (c) Supervised care facilities constructed or remodeled prior to
2 the effective date of this part, and restricted food service facilities
3 need not comply with subdivision (b), depending on the extent of
4 the food service activities, and if the enforcement officer
5 determines that the equipment meets the characteristics of
6 subdivision (a).

7 (d) All new and replacement electrical appliances shall meet
8 applicable Underwriters Laboratories standards for electrical
9 equipment as determined by an ANSI accredited certification
10 program.

11 114130.1. Materials that are used in the construction of
12 utensils and food-contact surfaces of equipment shall not allow
13 the migration of deleterious substances or impart colors, odors, or
14 tastes to food and under normal use conditions shall be safe,
15 durable, corrosion-resistant, and nonabsorbent, sufficient in
16 weight and thickness to withstand repeated warewashing,
17 finished to have a smooth, easily cleanable surface, and resistant
18 to pitting, chipping, crazing, scratching, scoring, distortion, and
19 decomposition.

20 114130.2. Materials that are used to make single-use articles
21 shall not allow the migration of deleterious substances or impart
22 colors, odors, or tastes to food, and shall be safe and clean.

23 114130.3. (a) Multiuse food-contact surfaces shall be all of
24 the following:

25 (1) Smooth.

26 (2) Free of breaks, open seams, cracks, chips, inclusions, pits,
27 and similar imperfections.

28 (3) Free of sharp internal angles, corners, and crevices.

29 (4) Finished to have smooth welds and joints.

30 (5) Except as specified in subdivision (b), accessible for
31 cleaning and inspection by one of the following methods:

32 (A) Without being disassembled.

33 (B) By disassembling without the use of tools.

34 (C) By easy disassembling with the use of handheld tools
35 commonly available to maintenance and cleaning personnel such
36 as screwdrivers, pliers, open-end wrenches, and Allen wrenches.

37 (b) Paragraph (5) of subdivision (a) shall not apply to cooking
38 oil storage tanks, distribution lines for cooking oils, or beverage
39 syrup lines or tubes.

1 114130.4. Nonfood-contact surfaces of equipment that are
2 exposed to splash, spillage, or other food soiling or that require
3 frequent cleaning shall be constructed of a corrosion-resistant,
4 nonabsorbent, and smooth material that allows easy cleaning and
5 to facilitate maintenance and free of unnecessary ledges,
6 projections, and crevices to allow for easy cleaning and to
7 facilitate maintenance.

8 114130.5. (a) Except for CIP equipment in operation before
9 the effective date of this part, CIP equipment shall meet the
10 characteristics of a food contact surface and shall be designed
11 and constructed so that cleaning and sanitizing solutions circulate
12 throughout a fixed system and contact all interior food-contact
13 surfaces and the system is self-draining or capable of being
14 completely drained of cleaning and sanitizing solutions.

15 (b) CIP equipment that is not designed to be disassembled for
16 cleaning shall be designed with inspection access points to ensure
17 that all interior food-contact surfaces throughout the fixed
18 system are being effectively cleaned.

19 114132. (a) Except as specified in this section, wood and
20 wood wicker shall not be used as a food-contact surface.

21 (b) Hard maple or an equivalently hard, close-grained wood
22 may be used for cutting boards, cutting blocks, bakers' tables,
23 utensils such as rolling pins, doughnut dowels, salad bowls, and
24 chopsticks, wooden paddles used in confectionery operations for
25 pressure scraping kettles when manually preparing confections at
26 a temperature of 230°F or above, and cedar planks used for
27 grilling or baking seafood.

28 (c) Whole, uncut, raw fruits and vegetables and nuts in the
29 shell may be kept in wood shipping containers until the fruits,
30 vegetables, or nuts are used.

31 (d) When wood or wood shipping containers become cracked,
32 splintered, or otherwise damaged, they shall be refurbished or
33 replaced.

34 114133. (a) Except as specified in subdivision (b), copper
35 and copper alloys such as brass may not be used in contact with a
36 food that has a pH below six, such as vinegar, fruit juice, or wine,
37 or for a fitting or tubing installed between a backflow prevention
38 device and a carbonator.

39 (b) Copper and copper alloys may be used in contact with beer
40 brewing ingredients that have a pH below six in the

1 prefermentation and fermentation steps of a beer brewing
2 operation, such as a brewpub or microbrewery.

3 114135. Sponges shall not be used in contact with cleaned
4 and sanitized or in-use food-contact surfaces.

5 114137. Except for hot oil cooking or filtering equipment,
6 “V” type threads shall not be used on food-contact surfaces.

7 114139. Cutting or piercing parts of can openers shall be
8 readily removable for cleaning and for replacement.

9 114141. Lubricants shall be applied to food-contact surfaces
10 that require lubrication in a manner that does not contaminate
11 food or food-contact surfaces. Equipment shall be reassembled
12 after lubrication so that food contact surfaces are not
13 contaminated. Only approved food grade lubricants shall be used
14 for this purpose.

15 114143. Notwithstanding any of the provisions of this part,
16 neither the department nor any city, county, city and county air
17 pollution control district, or air quality management district shall
18 require the enclosure of an open-air barbecue or outdoor
19 wood-burning oven if the enforcement officer determines that
20 the barbecue or wood-burning oven meets all of the following
21 requirements:

22 (a) The open-air barbecue or outdoor wood-burning oven is
23 operated on the same premises as, in reasonable proximity to,
24 and in conjunction with, a permanent food facility that is
25 approved for food preparation, or a temporary food facility or a
26 mobile food facility that is operating at a community event.

27 (b) The open-air barbecue or outdoor wood-burning oven is
28 not operated in, or out of, any motor vehicle, or in any area or
29 location that may constitute a fire hazard, as determined by the
30 enforcement officer.

31 (c) The open-air barbecue or outdoor wood-burning oven is
32 separated from public access to prevent food contamination or
33 injury to the public by using ropes or other approved methods.

34 (d) If the open-air barbecue or outdoor wood-burning oven is
35 a permanent structure, it shall be equipped with an impervious
36 and easily cleanable floor surface that extends a minimum of five
37 feet from the open-air barbecue or outdoor wood-burning oven
38 facility on all open sides.

39 (e) Sanitary facilities, including, but not limited to, toilet
40 facilities and handwashing facilities shall be available for use

1 within 200 feet in travel distance of the open-air barbecue or
2 outdoor wood-burning oven and shall comply with all provisions
3 of this part.

4 (f) For purposes of this part, the permanent food facility or
5 approved nonpermanent food facility shall be deemed to be the
6 operator of the open-air barbecue or outdoor wood-burning
7 oven, and shall be responsible for ensuring that it is operated in
8 full compliance with this part.

9 114145. Vending machines shall meet all applicable
10 requirements of this part and shall comply with the following:

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

14 (b) Wet storage of prepackaged products is prohibited.

15 (c) Potentially hazardous food shall be dispensed to the
16 consumer in the original package into which it was placed at the
17 commissary or food processing plant. Bulk potentially hazardous
18 food is prohibited.

19 (d) Single-use articles that are used in machines dispensing
20 products in bulk shall be obtained in sanitary packages. The
21 single-use articles shall be stored in the original package until
22 introduced into the container magazine or dispenser of the
23 vending machine.

24 (e) A record of cleaning and sanitizing shall be maintained by
25 the operator in each machine and shall be current for at least the
26 past 30 days.

27 (f) All vending machines shall be constructed in accordance
28 with applicable NSF International or National Automatic
29 Merchandizing Association standards, or the equivalent thereof.

30 (g) If located outside, a vending machine shall be provided
31 with overhead protection.

32 (h) The dispensing compartment of a vending machine shall
33 be equipped with a self-closing door or cover if the machine is
34 located in an outside area that does not otherwise afford the
35 protection of an enclosure against the rain, windblown debris,
36 insects, rodents, and other contaminants that are present in the
37 environment, or if the machine is available for self-service
38 during hours when it is not under the full-time supervision of an
39 employee.

Article 2. Ventilation

1
2
3 114149. (a) All areas of a food facility shall have sufficient
4 ventilation to facilitate proper food storage and to provide a
5 reasonable condition of comfort for each employee, consistent
6 with the job performed by the employee.

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

11 114149.1. (a) Mechanical exhaust ventilation equipment shall
12 be provided over all cooking equipment as required to effectively
13 remove cooking odors, smoke, steam, grease, heat, and vapors.
14 All mechanical exhaust ventilation equipment shall be installed
15 and maintained in accordance with the Uniform Mechanical
16 Code, except that for units subject to Part 2 (commencing with
17 Section 18000) of Division 13, an alternative code adopted
18 pursuant to Section 18028 shall govern the construction
19 standards.

20 (b) Restricted food service facilities shall be exempt from
21 subdivision (a), but shall still provide ventilation to remove
22 gases, odors, steam, heat, grease, vapors and smoke from the
23 food facility. In the event that the enforcement officer determines
24 that the ventilation must be mechanical in nature, the ventilation
25 shall be accomplished by methods approved by the enforcement
26 agency.

27 (c) This section shall not apply to cooking equipment when the
28 equipment has been submitted to the local enforcement agency
29 for evaluation, and the local enforcement agency has found that
30 the equipment does not produce toxic gases, smoke, grease,
31 vapors, or heat when operated under conditions recommended by
32 the manufacturer. The local enforcement agency may recognize a
33 testing organization to perform any necessary evaluations.

34 (d) Makeup air shall be provided at the rate of that exhausted.

35 114149.2. (a) Every hood shall be installed to provide for
36 thorough cleaning of all interior and exterior surfaces, including,
37 but not limited to, the hood, filters, piping, lights, troughs,
38 hangers, flanges, and exhaust ducts.

39 (b) Exhaust ventilation hood systems in food preparation and
40 warewashing areas, including components such as hoods, fans,

1 guards, and ducting, shall be designed to prevent grease or
2 condensation from draining or dripping onto food, equipment,
3 utensils, linens, and single-use articles.

4 (c) Filters or other grease extracting equipment shall be
5 designed to be readily removable for cleaning and replacement if
6 not designed to be cleaned in place.

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

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

12 (f) Exhaust hood ducting shall meet the following
13 requirements:

14 (1) All seams in the duct shall be completely tight to prevent
15 the accumulation of grease.

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

18 (3) All ducts in the exhaust system shall be properly sloped.

19 (4) Intake and exhaust air ducts shall be cleaned and filters
20 changed so they are not a source of contamination by dust, dirt,
21 and other materials.

22 114149.3. Heating, ventilating, and air conditioning systems
23 shall be designed and installed so that make-up air intake and
24 exhaust vents do not cause contamination of food, food-contact
25 surfaces, equipment, or utensils and do not create air currents that
26 cause difficulty in maintaining the required temperatures of
27 potentially hazardous foods.

28

29

Article 3. Location and Installation

30

31 114153. Equipment for cooling and heating food and for
32 holding cold and hot food shall be sufficient in number and
33 capacity to ensure proper food temperature control during
34 transportation and operation as specified in Section 113996 .

35 114155. (a) Except as specified in subdivision (b), molluscan
36 shellfish life support system display tanks shall not be used to
37 display shellfish that are offered for human consumption and
38 shall be conspicuously marked so that it is obvious to the
39 consumer that the shellfish are for display only.

1 (b) Molluscan shellfish life-support system display tanks that
2 are used to store and display shellfish that are offered for human
3 consumption shall be operated and maintained in accordance
4 with a HACCP plan that is submitted by the permitholder and
5 approved by the enforcement agency, and ensures all of the
6 following:

7 (1) Water used with fish other than molluscan shellfish does
8 not flow into the molluscan tank.

9 (2) The safety and quality of the shellfish as they were
10 received are not compromised by the use of the tank.

11 (3) The identity of the source of the shellstock is retained as
12 required in Section 114039.1.

13 114157. (a) A thermometer shall be provided for each
14 refrigeration unit.

15 (b) The thermometer shall be located to indicate the air
16 temperature in the warmest part of the unit and, except for
17 vending machines, shall be affixed to be readily visible.

18 (c) Except as specified in subdivision (d), cold or hot holding
19 equipment used for potentially hazardous food shall be designed
20 to include and shall be equipped with at least one integral or
21 permanently affixed temperature measuring device that is located
22 to allow easy viewing of the device's temperature display.
23 Alternative hot or cold holding equipment can be equipped with
24 approved product mimicking sensors placed in devices located in
25 the warmest part of the mechanically refrigerated unit in lieu of
26 an ambient air sensor.

27 (d) Subdivision (c) shall not apply to equipment for which the
28 placement of a temperature measuring device is not a practical
29 means for measuring the ambient air surrounding the food
30 because of the design, type, and use of the equipment, such as
31 calrod units, heat lamps, cold plates, bainmaries, steam tables,
32 insulated food transport containers, and salad bars.

33 (e) Temperature measuring devices shall be easily readable
34 and have a numerical scale, printed record, or digital readout in
35 increments no greater than 2°F or over the intended range of use.

36 114159. (a) Except for vending machines, an accurate, easily
37 readable, metal probe thermometer suitable for measuring the
38 temperature of food shall be readily available on the premises of
39 each food facility holding potentially hazardous food.

1 (b) A food temperature measuring device with a suitable
2 small-diameter probe that is designed to measure the temperature
3 of thin masses shall be provided and readily accessible to
4 accurately measure the temperature in thin foods such as meat
5 patties and fish fillets.

6 (c) Food temperature measuring devices that are scaled only in
7 fahrenheit shall be accurate to $\pm 2^{\circ}\text{F}$ in the intended range of use.

8 (d) Food temperature measuring devices shall not have sensors
9 or stems constructed of glass, except that thermometers with
10 glass sensors or stems that are encased in a shatterproof coating,
11 such as candy thermometers, may be used.

12 114161. (a) Except as specified in subdivision (b),
13 equipment, a cabinet used for the storage of food, or a cabinet
14 that is used to store cleaned and sanitized equipment, utensils,
15 laundered linens, and single-use articles shall not be in any of the
16 following locations:

17 (1) In locker rooms.

18 (2) In toilet rooms.

19 (3) In refuse rooms.

20 (4) In mechanical rooms.

21 (5) Under sewer lines that are not shielded to intercept
22 potential drips.

23 (6) Under leaking water lines, including leaking automatic fire
24 sprinkler heads, or under lines on which water has condensed.

25 (7) Under open stairwells.

26 (8) Under other sources of contamination.

27 (b) If a mechanical clothes washer or dryer is provided, it shall
28 be located so that the washer or dryer is protected from
29 contamination and located only where there is no exposed food,
30 clean equipment, utensils, and linens, and unwrapped single-use
31 articles.

32 114163. (a) Except as specified in subdivision (b), a food
33 preparation sink shall be provided in permanent food facilities for
34 the washing, rinsing, soaking, thawing, or similar preparation of
35 foods.

36 (1) The food preparation sink shall have a minimum
37 dimension of 18 inches by 18 inches in length and width and 12
38 inches in depth with an integral drainboard or adjacent table at
39 least 18 inches by 18 inches in length and width.

1 (2) The food preparation sink shall be located in the food
2 preparation area, provided exclusively for food preparation, and
3 accessible at all times.

4 (3) The sink shall be equipped with an adequate supply of hot
5 and cold running water through a mixing valve.

6 (b) (1) Food facilities that were approved for operation
7 without a food preparation sink prior to the effective date of this
8 part need not provide a food preparation sink unless the food
9 facility makes a menu change or changes their method of
10 operation.

11 (2) The enforcement officer may approve other methods where
12 the installation of a food preparation sink would not be readily
13 feasible.

14 114165. Dollies, pallets, racks, and skids used to store and
15 transport large quantities of prepackaged foods received from a
16 supplier in a cased or overwrapped lot, shall be designed to be
17 moved by hand or by conveniently available hand trucks or
18 forklifts.

19 114167. Beverage tubing and cold-plate beverage cooling
20 devices shall not be installed in contact with stored ice intended
21 to be used for food or beverages. This section shall not apply to
22 cold plates that are constructed integrally with an ice storage bin.

23 114169. (a) Equipment that is fixed because it is not easily
24 movable shall be installed so that it is:

25 (1) Spaced to allow access for cleaning along the sides,
26 behind, and above the equipment.

27 (2) Spaced from adjoining equipment, walls, and ceilings a
28 distance of not more than one millimeter or one thirty-second
29 inch.

30 (3) Sealed to adjoining equipment or walls, if the equipment is
31 exposed to spillage or seepage.

32 (b) Except as specified in subdivisions (c) and (d),
33 floor-mounted equipment that is not easily movable shall be
34 sealed to the floor or elevated on legs that provide at least a six
35 inch clearance between the floor and the equipment.

36 (c) Notwithstanding subdivision (b), this section shall not
37 apply to display shelving units, display refrigeration units, and
38 display freezer units located in the consumer shopping areas of a
39 food facility if the floor under the units is maintained clean.

1 (d) Table-mounted equipment that is not easily movable shall
2 be installed to allow cleaning of the equipment and areas
3 underneath and around the equipment by being sealed to the table
4 and elevated on legs that provide at least a four inch clearance
5 between the table and the equipment.

6 114171. Liquid waste drain lines shall not pass through an ice
7 machine or ice storage bin.

8 114172. All pressurized cylinders shall be securely fastened
9 to a rigid structure.

10

11 Article 4. Maintenance and Operation

12

13 114175. Equipment and utensils shall be kept clean, fully
14 operative, and in good repair.

15 114177. Surfaces such as cutting blocks and boards that are
16 subject to scratching and scoring shall be resurfaced if they can
17 no longer be effectively cleaned and sanitized, or discarded if
18 they are not capable of being resurfaced.

19 114178. (a) Except as specified in subdivision (d), cleaned
20 equipment and utensils, laundered linens, and single-use articles
21 shall be stored in a clean, dry location where they are not
22 exposed to splash, dust, or other contamination, and at least six
23 inches above the floor.

24 (b) Clean equipment and utensils shall be stored as specified in
25 subdivision (a) and shall be stored covered or inverted in a
26 self-draining position that allows air drying.

27 (c) Single-use articles shall be stored as specified under
28 subdivision (a) and shall be kept in the original protective
29 package or stored by using other means that afford protection
30 from contamination until used.

31 (d) Items that are kept in closed packages may be stored less
32 than six inches above the floor on dollies, pallets, racks, and
33 skids that are designed as to be easily movable.

34 114179. (a) Except as specified in subdivision (b), cleaned
35 and sanitized equipment, utensils, laundered linens, and
36 single-use articles shall not be stored in any of the following
37 locations:

38 (1) In locker rooms.

39 (2) In toilet rooms.

40 (3) In refuse rooms.

- 1 (4) In mechanical rooms.
- 2 (5) Under sewer lines that are not shielded to intercept
- 3 potential drips.
- 4 (6) Under leaking water lines including leaking automatic fire
- 5 sprinkler heads or under lines on which water has condensed.
- 6 (7) Under open stairwells.
- 7 (8) Under other sources of contamination.
- 8 (b) Laundered linens and single-use articles that are packaged
- 9 or in a storage compartment may be stored in a locker room.

10 114180. (a) A reservoir that is used to supply water to a
11 device such as a produce fogger shall be maintained in
12 accordance with manufacturer's specifications and cleaned in
13 accordance with manufacturer's specifications or according to
14 the procedures specified in subdivision (b), whichever is more
15 stringent.

16 (b) Cleaning procedures shall include at least the following
17 steps and shall be conducted at least once a week:

18 (1) Draining and complete disassembly of the water and
19 aerosol contact parts.

20 (2) Brush-cleaning the reservoir, aerosol tubing, and discharge
21 nozzles with a suitable detergent solution.

22 (3) Flushing the complete system with water to remove the
23 detergent solution and particulate accumulation.

24 (4) Rinsing by immersing, spraying, or swabbing the reservoir,
25 aerosol tubing, and discharge nozzles with an approved sanitizer
26 as specified in Section 114099.6.

27 (c) No fogging devices installed after the effective date of this
28 part shall use a reservoir for holding water for fogging, but shall
29 employ water under pressure for fogging or misting of foods.

30 114182. Electrical power shall be supplied at all times to
31 operate the approved exhaust, lighting, electric water heaters and
32 refrigeration units, and any other accessories and appliances that
33 may be installed in a food facility.

34

35 Article 5. Linens

36

37 114185. Linen shall not be used in contact with food unless
38 they are used to line a container for the service of foods and the
39 linens are replaced each time the container is refilled for a new
40 consumer and laundered prior to reuse.

1 114185.1. (a) Wiping cloths that are in use for cleaning food
2 spills shall not be used for any other purpose.

3 (b) Cloths used for wiping food spills shall be dry and used for
4 cleaning food spills from tableware and carry-out containers or
5 used only once, or if used repeatedly, held in a sanitizing solution
6 of an approved concentration as specified in Section 114099.2.

7 (c) Dry or wet cloths that are used with raw animal foods shall
8 be kept separate from cloths used for other purposes, and wet
9 cloths used with raw animal foods shall be kept in a separate
10 sanitizing solution.

11 (d) Wet wiping cloths used with a freshly made sanitizing
12 solution and dry wiping cloths shall be free of food debris and
13 visible soil.

14 (e) Working containers of sanitizing solutions for storage of
15 in-use wiping cloths shall be used in a manner to prevent
16 contamination of food, equipment, utensils, linens, or single-use
17 articles.

18 114185.2. Clean linens shall be free of food residues and
19 other soiling matter.

20 114185.3. (a) Linens that do not come in direct contact with
21 food shall be laundered when they become wet, sticky, or visibly
22 soiled.

23 (b) Cloth gloves shall be laundered before being used with a
24 different type of raw animal food such as beef, lamb, pork, fish
25 and poultry.

26 (c) Cloth napkins shall be laundered between each use.

27 (d) Wet wiping cloths shall be laundered daily.

28 (e) Dry wiping cloths shall be laundered as necessary to
29 prevent contamination of food and clean serving utensils.

30 114185.4. (a) Adequate and suitable space shall be provided
31 for the storage of clean linens.

32 (b) Soiled linens shall be kept in clean, nonabsorbent
33 receptacles or clean, washable laundry bags and stored and
34 transported to prevent contamination of food, clean equipment,
35 clean utensils, and single-use articles.

36 114185.5. (a) Laundry facilities on the premises of a food
37 facility shall be used only for the washing and drying of items
38 used in the operation of the establishment.

39 (b) If work clothes or linens are laundered on the premises, a
40 mechanical clothes washer and dryer shall be provided and used.

CHAPTER 7. WATER, PLUMBING, AND WASTE

Article 1. Water

114189. 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 part and compliance with any requirements with regard to potable water, as defined in Section 113869.

114189.1. Chemicals used as boiler water additives shall meet the requirements specified in 21 C.F.R. 173.310.

114190. All plumbing and plumbing fixtures shall be installed in compliance with applicable local plumbing ordinances, shall be maintained so as to prevent any contamination, and shall be kept clean, fully operative, and in good repair.

114192. (a) An adequate, protected, pressurized, potable supply of hot water and cold water shall be provided. Hot water shall be supplied at a minimum temperature of at least 120°F measured from the faucet, unless otherwise specified in this part. The water supply shall be from a water system approved by the health officer or the local enforcement agency.

(b) 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.

(c) The potable water supply shall be protected with a backflow or back siphonage protection device when required by applicable plumbing codes. Exposed piping of a nonpotable water system shall be identified so that it is readily distinguishable from piping that carries potable water.

114192.1. (a) Water under pressure shall be permanently plumbed to all fixtures, equipment, and nonfood equipment that are required to use water, except for water supplied to nonpermanent food facilities.

(b) Water under pressure shall be provided at a sufficient level as specified by the Uniform Plumbing Code and manufacturer's specifications for equipment and fixtures in the food facility.

114193. (a) All steam tables, ice machines and bins, food preparation sinks, warewashing sinks, display cases, walk-in

1 refrigeration units, and other similar equipment that discharge
2 liquid waste shall be drained by means of indirect waste pipes,
3 and all wastes drained by them shall discharge through an airgap
4 into a floor sink or other approved type of receptor.

5 (b) Drainage from reach-in refrigeration units shall be
6 conducted in a sanitary manner to a floor sink or other approved
7 device by an indirect connection or to a properly installed and
8 functioning evaporator.

9 (c) Indirect waste receptors shall be located to be readily
10 accessible for inspection and cleaning.

11 (d) Warewashing machines may be connected directly to the
12 sewer immediately downstream from a floor drain, or they may
13 be drained through an approved indirect connection.

14 (e) Warewashing sinks in use on January 1, 1996, that are
15 directly plumbed may be continued in use. This section does not
16 require warewashing sinks to be indirectly plumbed when the
17 local building official determines that the sink should be directly
18 plumbed.

19 114193.1. An air gap between the water supply inlet and the
20 flood level rim of the plumbing fixture, equipment, or nonfood
21 equipment shall be at least twice the diameter of the water supply
22 inlet and may not be less than one inch.

23 114195. (a) The water source and system shall be of
24 sufficient capacity to meet the peak water demands of the food
25 facility.

26 (b) Hot water generation and distribution systems shall be
27 sufficient to meet the peak hot water demands throughout the
28 food facility.

29

30

Article 2. Liquid Waste

31

32 114197. Liquid waste shall be disposed of through the
33 approved plumbing system and shall discharge into the public
34 sewerage or into an approved private sewage disposal system.

35 114199. Equipment compartments that are subject to
36 accumulation of moisture due to conditions such as condensation,
37 food or beverage drip, or water from melting ice, shall be sloped
38 to an outlet that allows for complete draining.

1 114201. (a) If provided, a grease trap or grease interceptor
2 shall not be located in a food or utensil handling area unless
3 specifically approved by the enforcement agency.

4 (b) Grease traps and grease interceptors shall be easily
5 accessible for servicing.

6 (c) Notwithstanding subdivision (a), those food facilities
7 approved with a grease trap or grease interceptor that are in
8 operation before the effective date of this part are not required to
9 comply with this section.

10

11 Article 3. Mobile Water and Wastewater Tanks

12

13 114205. (a) Nonpermanent food facilities that handle
14 nonprepackaged food shall be equipped with potable water and
15 wastewater tanks, unless approved temporary water and
16 wastewater connections are provided.

17 (b) Permanent food facilities shall be in compliance with
18 Sections 114190 to 114201, inclusive.

19 114207. Materials that are used in the construction of potable
20 water and wastewater tanks and appurtenances shall be safe,
21 durable, corrosion-resistant, nonabsorbent, and finished to have
22 a smooth, easily cleanable surface.

23 114209. Potable water tanks and wastewater tanks shall be
24 sloped to an outlet that ensures complete drainage of the tank and
25 designed and constructed so as to be easily and completely
26 drained.

27 114211. (a) The water system shall be designed and
28 constructed using materials that enable water to be introduced
29 without contamination.

30 (b) All tanks, line couplings, valves, and all other plumbing
31 shall be designed, installed, maintained, and constructed of
32 materials that will not contaminate the water supply, food,
33 utensils, or equipment.

34 (c) All waste lines shall be connected to wastewater tanks with
35 watertight seals.

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

39 114213. (a) Any potable water or wastewater tank mounted
40 within a mobile food facility or mobile support unit shall have an

1 air vent overflow provided in a manner that will prevent potential
2 flooding of the interior of the facility.

3 (b) If provided, a water tank vent shall terminate in a
4 downward direction and shall be covered with 16 mesh per
5 square inch screen or equivalent when the vent is in a protected
6 area or a protective filter when the vent is in an area that is not
7 protected from windblown dirt and debris.

8 114215. Hoses used in conjunction with nonpermanent food
9 facilities shall meet all of the following requirements:

10 (a) A hose used for conveying potable water from a water tank
11 shall be:

12 (1) Safe.

13 (2) Durable, corrosion-resistant, and nonabsorbent.

14 (3) Resistant to pitting, chipping, crazing, scratching, scoring,
15 distortion, and decomposition.

16 (4) Finished with a smooth interior surface.

17 (5) Protected from contamination at all times.

18 (6) Clearly and durably identified as to its use if not
19 permanently attached.

20 (b) Liquid waste lines shall not be the same color as hoses
21 used for potable water.

22 (c) Hoses used on a mobile food facility or a mobile support
23 unit and potable water tank connectors shall have matching
24 connecting devices. Devices for external cleaning shall not be
25 used for potable water purposes on the mobile food facility.
26 Hoses and faucets equipped with quick connect and disconnect
27 devices for these purposes shall be deemed to meet the
28 requirements of this subdivision. Exterior hose-connection
29 valves shall be attached to mobile food facilities or mobile
30 support units and shall be located above the ground with an
31 approved water connection.

32 114217. (a) A potable water tank of sufficient capacity to
33 furnish an adequate quantity of potable water for food
34 preparation, cleaning, and handwashing purposes shall be
35 provided for nonpermanent food facilities.

36 (b) Except as specified in subdivision (c), at least 30 gallons of
37 water shall be provided for food preparation.

38 (c) At least 15 gallons of water shall be provided for limited
39 food preparation where warewashing is conducted.

1 (d) At least five gallons of water shall be provided exclusively
2 for handwashing for each nonpermanent food facility. Any water
3 needed for other purposes shall be in addition to the five gallons
4 for handwashing.

5 (e) The water delivery system shall deliver at least one gallon
6 per minute to each sink basin.

7 114219. A potable water tank shall be enclosed from the
8 filling inlet to the discharge outlet and emptied to ensure
9 complete drainage of the tank.

10 114221. (a) Water tanks shall be designed with an access port
11 for inspection and cleaning. The access port shall be in the top of
12 the tank and flanged upward at least one-half inch and equipped
13 with a port cover assembly that is provided with a gasket and a
14 device for securing the cover in place and flanged to overlap the
15 opening and sloped to drain.

16 (b) Notwithstanding subdivision (a), water tanks that are not
17 accessible for inspection may comply with this section by
18 submitting written operational procedures for the cleaning and
19 sanitizing of the potable water tank. The enforcement agency
20 shall review and approve the procedures prior to implementation
21 and an approved copy shall be kept on the mobile food facility
22 during hours of operation.

23 114223. A fitting with “V” type threads on a water tank inlet
24 or outlet shall be allowed only when a hose is permanently
25 attached.

26 114225. (a) Potable water tanks shall be installed in a manner
27 that will allow water to be filled with an easily accessible inlet.

28 (b) A potable water tank’s inlet and outlet shall be positioned
29 so that they are protected from contaminants such as waste
30 discharge, dust, oil, or grease.

31 (c) Nonpermanent food facilities shall be provided with a
32 connection of a size and type that will prevent its use for any
33 other service and shall be constructed so that backflow and other
34 contamination of the water supply is prevented.

35 114227. A filter that does not pass oil or oil vapors shall be
36 installed in the air supply line between the compressor and
37 potable water system when compressed air is used to pressurize
38 the water tank system.

39 114229. If not in use, a potable water tank and hose inlet and
40 outlet fitting shall be protected using a cap and keeper chain,

1 quick disconnect, closed cabinet, closed storage tube, or other
2 approved protective cover or device.

3 114231. A nonpermanent food facility's potable water tank
4 inlet shall be three-fourths inch in inner diameter or less and
5 provided with a hose connection of a size or type that will
6 prevent its use for any other service.

7 114233. A water tank, pump, and hoses shall be flushed and
8 sanitized before being placed in service after construction, repair,
9 modification, and periods of nonuse.

10 114235. A person shall operate a water tank, pump, and hoses
11 so that backflow and other contamination of the water supply are
12 prevented.

13 114238. A water tank, pump, and hoses used for conveying
14 potable water shall not be used for any other purpose.

15 114239. (a) Potable water tanks may be constructed in a
16 manner that will allow for potable water tank to be removed from
17 within the nonpermanent food facility compartments for refilling
18 or replacing.

19 (b) Refilling of a potable water tank shall be conducted
20 through an approved and sanitary method, such as at the
21 commissary.

22 (c) Storage of any prefilled water tank, or empty and clean
23 water tanks, or both, shall be within the nonpermanent food
24 facility or in an approved manner that will protect against
25 contamination.

26 114240. (a) Wastewater tanks shall be of a capacity
27 commensurate with the level of food handling activity.

28 (b) Wastewater tanks shall have a minimum capacity that is 50
29 percent greater than the potable water tanks. In no case shall the
30 wastewater capacity be less than 7.5 gallons. Where potable
31 water for the preparation of a food or beverage is supplied, an
32 additional wastewater tank capacity equal to at least 15 percent
33 of the water supply shall be provided.

34 (c) Additional wastewater tank capacity may be required
35 where wastewater production is likely to exceed tank capacity.

36 (d) Where ice is utilized in the storage, display, or service of
37 food or beverages, an additional minimum wastewater holding
38 tank shall be provided with a capacity equal to one-third of the
39 volume of the ice cabinet to accommodate the drainage of ice
40 melt.

1 (e) Wastewater tanks on nonpermanent food facilities shall be
2 equipped with a shut-off valve.

3 114241. (a) Wastewater tanks may be constructed in a
4 manner that will allow the wastewater tank to be removed from
5 within the approved nonpermanent food facility compartments
6 for replacing.

7 (b) Retail food operations shall cease during removal and
8 replacement of tanks.

9 (c) Sewage and other liquid wastes shall be removed from a
10 nonpermanent food facility at an approved waste servicing area
11 or by an approved sewage transport vehicle in such a way that a
12 public health hazard or nuisance is not created.

13 114242. Wastewater tanks shall be thoroughly flushed and
14 drained in a sanitary manner during the servicing operation.

15

16

Article 4. Refuse

17

18 114244. (a) Each food facility shall be provided with any
19 facilities and equipment necessary to store or dispose of all waste
20 material.

21 (b) Waste receptacles shall be provided for use by consumers.

22 (c) A receptacle shall be provided in each area of the food
23 facility or premises where refuse is generated or commonly
24 discarded, or where recyclables or returnables are placed.

25 114245. (a) An area designated for refuse, recyclables,
26 returnables, and a redeeming machine for recyclables or
27 returnables shall be located so that it is separate from food,
28 equipment, utensils, linens, and single-service and single-use
29 articles and a public health hazard or nuisance is not created.

30 (b) Receptacles and waste handling units for refuse,
31 recyclables, and returnables shall not be located so as to create a
32 public health hazard or nuisance or interfere with the cleaning of
33 adjacent space.

34 114245.1. (a) All refuse, recyclables, and returnables shall be
35 kept in nonabsorbent, durable, cleanable, leakproof, and
36 rodentproof containers and shall be contained so as to minimize
37 odor and insect development by covering with close-fitting lids
38 or placement in a disposable bag that is impervious to moisture
39 and then sealed.

1 (b) Trash containers inside a food facility need not be covered
2 during periods of operation.

3 (c) All refuse shall be removed and disposed of in a sanitary
4 manner as frequently as may be necessary to prevent the creation
5 of a nuisance.

6 (d) Storage areas, enclosures, and receptacles for refuse,
7 recyclables, and returnables shall be maintained in good repair.

8 (e) Refuse, recyclables, and returnables shall be removed from
9 the premises at a frequency that will minimize the development
10 of objectionable odors and other conditions that attract or harbor
11 insects and rodents.

12 114245.2. Cardboard or other packaging material that does
13 not contain food residues and that is awaiting regularly scheduled
14 delivery to a recycling or disposal site may be stored outside
15 without being in a covered receptacle if it is stored so that it does
16 not create a rodent harborage problem.

17 114245.3. If located within the food facility, a storage area for
18 refuse, recyclables, and returnables shall meet the requirements
19 for floors, walls, ceilings, and vermin exclusion as specified in
20 this part.

21 114245.4. If provided, an outdoor storage area or enclosure
22 used for refuse, recyclables, and returnables shall be constructed
23 of nonabsorbent material such as concrete or asphalt and shall be
24 easily cleanable, durable, and sloped to drain.

25 114245.5. Receptacles and waste handling units for refuse and
26 recyclables shall be installed so that accumulation of debris and
27 insect and rodent attraction and harborage are minimized and
28 effective cleaning is facilitated around and, if the unit is not
29 installed flush with the base pad, under the unit.

30 114245.6. (a) Receptacles and waste handling units for
31 refuse, recyclables, and returnables shall be thoroughly cleaned
32 in a way that does not contaminate food, equipment, utensils,
33 linens, or single-service and single-use articles, and wastewater
34 shall be disposed of as specified under Section 114241.

35 (b) Soiled receptacles and waste handling units for refuse,
36 recyclables, and returnables shall be cleaned at a frequency
37 necessary to prevent them from developing a buildup of soil or
38 becoming attractants for insects and rodents.

39 114245.7. (a) Except as specified in subdivision (b), suitable
40 cleaning implements and supplies such as high pressure pumps,

1 hot water, steam, and detergent shall be provided as necessary for
2 effective cleaning of receptacles and waste handling units for
3 refuse, recyclables, and returnables.

4 (b) If approved, off-premises-based cleaning services may be
5 used if on-premises cleaning implements and supplies are not
6 provided.

7 114245.8. All animal byproducts and inedible kitchen grease
8 disposed of by any food facility shall be transported by a renderer
9 licensed under Section 19300 of the Food and Agricultural Code,
10 or a registered transporter of inedible kitchen grease licensed
11 under Section 19310 of the Food and Agricultural Code. Nothing
12 in this section prevents a food facility from transporting its own
13 animal byproducts in its own vehicles to a central collection
14 point. For the purposes of this section, inedible kitchen grease
15 does not include grease recovered from a grease interceptor.

16

17 CHAPTER 8. PHYSICAL FACILITIES

18

19 Article 1. Toilet Facilities

20

21 114250. Clean toilet rooms in good repair shall be provided
22 and conveniently located and accessible for use by employees
23 during all hours of operation. The number of toilet facilities
24 required shall be in accordance with applicable local building and
25 plumbing ordinances. Toilet rooms shall not be used for the
26 storage of food, equipment, or supplies. Toilet tissue shall be
27 provided in a permanently installed dispenser at each toilet.

28 114250.1. (a) Food facilities located within amusement
29 parks, stadiums, arenas, food courts, fairgrounds, and similar
30 premises shall not be required to provide toilet facilities for
31 employee use within each food facility if approved toilet
32 facilities are located within 200 feet in travel distance of each
33 food facility and are readily available for use by employees. Food
34 facilities subject to this section shall be provided with approved
35 handwashing facilities for employee use.

36 (b) Notwithstanding subdivision (a), food facilities approved
37 prior to the effective date of this part with toilet facilities within
38 300 feet are not required to meet the 200 foot requirement.

Article 2. Lighting

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37

114252. In every room and area in which any food is prepared, manufactured, processed, or prepackaged, or in which equipment or utensils are cleaned, sufficient natural or artificial lighting shall be provided to produce the following light intensity, while the area is in use:

(a) At least 10 foot candles at a distance of 30 inches above the floor, in walk-in refrigeration units and dry food storage areas.

(b) At least 20 foot candles for the following:

(1) At a surface where food is provided for consumer self-service or where fresh produce or prepackaged foods are sold or offered for consumption.

(2) Inside equipment such as reach-in and under-counter refrigerators.

(3) At a distance of 30 inches above the floor in areas used for handwashing, warewashing, and equipment and utensil storage, and in toilet rooms.

(c) At least 50 foot candles at a surface where a food employee is working with food or working with utensils or equipment such as knives, slicers, grinders, or saws where employee safety is a factor and in other areas and rooms during periods of cleaning.

114252.1. (a) Except as specified in subdivision (b), light bulbs shall be shielded, coated, or otherwise shatter-resistant in areas where there is nonprepackaged ready-to-eat food, clean equipment, utensils, and linens, or unwrapped single-use articles.

(b) Shielded, coated, or otherwise shatter-resistant bulbs need not be used in areas used only for storing prepackaged food in unopened packages, if the integrity of the packages cannot be affected by broken glass falling onto them and the packages are capable of being cleaned of debris from broken bulbs before the packages are opened.

(c) Infrared and other heat lamps shall be protected against breakage by a shield surrounding and extending beyond the bulb so that only the face of the bulb is exposed, or by using approved coated shatter resistant bulbs.

1 Article 3. Poisonous and Toxic Materials

2
3 114254. (a) Only those insecticides, rodenticides, and other
4 pesticides that are necessary and specifically approved for use in
5 a food facility may be used. The use shall be in accordance with
6 the manufacturer's instructions.

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

12 (c) A container previously used to store poisonous or toxic
13 materials shall not be used to store, transport, or dispense food,
14 utensils, and linen.

15 114254.1. (a) Containers of poisonous or toxic materials and
16 personal care items shall bear a legible manufacturer's label.

17 (b) Working containers used for storing poisonous or toxic
18 materials such as cleaners and sanitizers taken from bulk supplies
19 shall be clearly and individually identified with the common
20 name of the material.

21 114254.2. (a) Except as specified in subdivision (b),
22 poisonous or toxic materials shall be stored or displayed so they
23 can not contaminate food, equipment, utensils, linens, and
24 single-use articles by separating the poisonous or toxic materials
25 by spacing or partitioning and locating the poisonous or toxic
26 materials in an area that is not above food, equipment, utensils,
27 linens, and single-use articles.

28 (b) Equipment and utensil cleaners and sanitizers may be
29 stored in warewashing areas for availability and convenience if
30 the materials are stored to prevent contamination of food,
31 equipment, utensils, linens, and single-use articles.

32 114254.3. A container previously used to store poisonous or
33 toxic materials shall not be used to store, transport, or dispense
34 food, utensils, or single-use articles.

35
36 Article 4. Employee Storage Areas

37
38 114256. (a) Areas designated for employees to eat and drink
39 shall be located so that food, equipment, linens, and single-use
40 articles are protected from contamination.

1 (b) Lockers or other suitable facilities shall be located in a
2 designated room or area where contamination of food,
3 equipment, utensils, linens, and single-use articles cannot occur.

4 114256.1. (a) Lockers or other suitable facilities shall be
5 provided and used for the orderly storage of employee clothing
6 and other possessions.

7 (b) Dressing rooms or dressing areas shall be provided and
8 used by employees if the employees regularly change their
9 clothes in the facility.

10 (c) Supervised care facilities, restricted food service facilities,
11 and nonpermanent food facilities shall not be required to comply
12 with subdivision (a), but no person shall store clothing or
13 personal effects in any area used for the storage and preparation
14 of food.

15 114256.2. Medicines that are in a food facility for the
16 employees' use shall be labeled and stored so as to prevent the
17 contamination of food, equipment, utensils, linens, and
18 single-use articles. This section does not apply to medicines that
19 are stored or displayed for retail sale.

20 114256.3. Medicines belonging to employees or to children in
21 a day care center that require refrigeration and are stored in a
22 food refrigerator shall be stored in a package or container and
23 kept inside a covered, leakproof container that is identified as a
24 container for the storage of medicines and located so they are
25 inaccessible to children.

26 114256.4. First aid supplies that are in a food facility for the
27 employees' use shall be labeled with a legible manufacturer's
28 label and stored in a kit or a container that is located to prevent
29 the contamination of food, equipment, utensils, linens, and
30 single-use articles.

31

32

Article 5. Premises and Facilities

33

34 114257. All food facilities and all equipment, utensils, and
35 facilities shall be kept clean, fully operative, and in good repair.

36 114257.1. The premises of a food facility shall be free of litter
37 and items that are unnecessary to the operation or maintenance of
38 the facility, such as equipment that is nonfunctional or no longer
39 used.

1 Article 6. Vermin and Animals

2
3 114259. A food facility shall at all times be constructed,
4 equipped, maintained, and operated as to prevent the entrance
5 and harborage of animals, birds, and vermin, including, but not
6 limited to, rodents and insects.

7 114259.1. The premises of each food facility shall be kept
8 clean and free of vermin.

9 114259.2. Pass-through window service openings shall be
10 limited to 216 square inches each. The service openings shall not
11 be closer together than 18 inches. Each opening shall be provided
12 with a solid or screened window, equipped with a self-closing
13 device. Screening shall be at least 16 mesh per square inch.
14 Pass-through windows of up to 432 square inches are approved
15 if equipped with an air curtain device. The counter surface of the
16 service openings shall be smooth and easily cleanable.

17 114259.3. (a) Insect control devices that are used to
18 electrocute or stun flying insects shall be designed to retain the
19 insect within the device.

20 (b) Insect control devices shall be installed so that the devices
21 are not located over a food or utensil handling area and dead
22 insects and insect fragments are prevented from being impelled
23 onto or falling on nonprepackaged food, clean equipment,
24 utensils, linens, and unwrapped single-use articles.

25 114259.4. (a) Except as specified in subdivision (b), food
26 employees shall not care for or handle animals that may be
27 present, such as patrol dogs, service animals, or pets that are
28 allowed as specified in subdivision (b) of Section 114259.5.

29 (b) Food employees with service animals may handle or care
30 for their service animals, and food employees may handle or care
31 for fish in aquariums or molluscan shellfish or crustacea in
32 display tanks if they wash their hands as required in this part.

33 114259.5. (a) Except as specified in subdivision (b), live
34 animals may not be allowed in a food facility.

35 (b) Live animals may be allowed in any of the following
36 situations if the contamination of food, clean equipment, utensils,
37 linens, and unwrapped single-use articles cannot result:

38 (1) Edible fish or decorative fish in aquariums, shellfish or
39 crustacea on ice or under refrigeration, and shellfish and
40 crustacea in display tank systems.

1 (2) Animals intended for consumption if the live animals are
2 kept separate from all food and utensil handling areas, are held in
3 sanitary conditions, are slaughtered in a separate room designed
4 solely for that purpose and separated from other food and utensil
5 handling areas, and maintained in an area that has ventilation
6 separate from food and utensil handling areas.

7 (3) Dogs under the control of a uniformed law enforcement
8 officer or of uniformed employees of private patrol operators and
9 operators of a private patrol service who are licensed pursuant to
10 Chapter 11.5 (commencing with Section 7580) of Division 3 of
11 the Business and Professions Code, while those employees are
12 acting within the course and scope of their employment as
13 private patrol persons.

14 (4) In areas that are not used for food preparation and that are
15 usually open for customers, such as dining and sales areas,
16 service animals that are controlled by a disabled employee or
17 person, if a health or safety hazard will not result from the
18 presence or activities of the service animal.

19 (5) Pets in the common dining areas of restricted food service
20 facilities and supervised care facilities at times other than during
21 meals if all of the following conditions are satisfied:

22 (A) Effective partitioning and self-closing doors separate the
23 common dining areas from food storage or food preparation
24 areas.

25 (B) Condiments, equipment, and utensils are stored in
26 enclosed cabinets or removed from the common dining areas
27 when pets are present.

28 (C) Dining areas including tables, countertops, and similar
29 surfaces are effectively cleaned before the next meal service.

30 (6) In areas that are not used for food preparation, storage,
31 sales, display, or dining, in which there are caged animals or
32 animals that are similarly restricted, such as in a variety store that
33 sells pets or a tourist park that displays animals.

34 (7) If kept at least 20 feet (6 meters) away from any mobile
35 food facility, temporary food facility, or certified farmers'
36 market.

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

1 (d) Live or dead fish bait may be stored if contamination of
2 food, clean equipment, utensils, linens, and unwrapped
3 single-use articles cannot result.

4
5 CHAPTER 9. PERMANENT FOOD FACILITIES
6

7 114265. All permanent food facilities shall meet the
8 applicable requirements in Chapters 1 to 8, inclusive, and
9 Chapter 13, unless specifically exempted from any of these
10 provisions.

11
12 Article 1. Floors, Walls, and Ceilings
13

14 114266. (a) Each permanent food facility shall be fully
15 enclosed in a building consisting of permanent floors, walls, and
16 an overhead structure that meet the minimum standards as
17 prescribed by this part. Food facilities that are not fully enclosed
18 on all sides and that are in operation on January 1, 1985, shall not
19 be required to meet the requirements of this section until the
20 facility is remodeled or has a significant change in its menu or its
21 method of operation.

22 (b) Notwithstanding subdivision (a), this section shall not be
23 construed to require the enclosure of dining areas or any other
24 operation approved for outdoor food service.

25 (c) Notwithstanding subdivision (a), a produce stand that was
26 in operation prior to the effective date of this part shall have no
27 more than one side open to the outside air during business hours.

28 114268. (a) Except in sales areas and as otherwise specified
29 in subdivision (d), the floor surfaces in all areas in which food is
30 prepared, prepackaged, or stored, where any utensil is washed,
31 where refuse or garbage is stored, where janitorial facilities are
32 located in all toilet and handwashing areas, except with respect to
33 areas relating to guestroom accommodations and the private
34 accommodations of owners and operators in restricted food
35 service facilities, and in employee change and storage areas shall
36 be smooth and of durable construction and nonabsorbent material
37 that is easily cleanable.

38 (b) Floor surfaces shall be coved at the juncture of the floor
39 and wall with a $\frac{3}{8}$ inch minimum radius coving and shall extend
40 up the wall at least 4 inches, except in areas where food is stored

1 only in unopened bottles, cans, cartons, sacks, or other original
2 shipping containers.

3 (c) Supervised care facilities and public or private schools
4 constructed or remodeled after the effective date of this part shall
5 comply with subdivision (b). Supervised care facilities and public
6 and private schools constructed before the effective date of this
7 part need not comply with subdivision (b), provided that the
8 existing floor surfaces are maintained in good repair and in a
9 sanitary condition.

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

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

16 114268.1. (a) Except as specified in subdivision (b), only
17 dustless methods of cleaning such as wet cleaning, vacuum
18 cleaning, mopping with treated dust mops, or sweeping using a
19 broom and dust-arresting compounds, shall be used in food
20 facilities.

21 (b) Spills or drippage on floors that occur between normal
22 floor cleaning times may be cleaned without the use of
23 dust-arresting compounds and, in the case of liquid spills or
24 drippage, with the use of a small amount of absorbent compound
25 such as sawdust or diatomaceous earth applied immediately
26 before spot cleaning.

27 114269. (a) Upon new construction or extensive remodeling,
28 floor drains shall be installed in floors that are water-flushed for
29 cleaning and in areas where pressure spray methods for cleaning
30 equipment are used. Floor surfaces in areas pursuant to this
31 subdivision shall be sloped 1:50 to the floor drains.

32 (b) Upon new construction or extensive remodeling, floor
33 sinks or equivalent devices shall be installed to receive
34 discharges of water or other liquid waste from equipment.

35 114271. (a) Except as provided in subdivision (b), the walls
36 and ceilings of all rooms shall be of a durable, smooth,
37 nonabsorbent, and easily cleanable surface.

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

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

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

6 (3) Dining and sales areas.

7 (4) Offices.

8 (5) Restrooms that are used exclusively by the patrons, except
9 that the walls and ceilings in the restrooms shall be of a
10 nonabsorbent and washable surface.

11 (c) Acoustical paneling may be utilized if it is installed not
12 less than six feet above the floor. The paneling shall meet the
13 other requirements of this section.

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

17 (e) Attachments to walls and ceilings, such as light fixtures,
18 mechanical room ventilation system components, vent covers,
19 wall mounted fans, decorative items, and other attachments, shall
20 be easily cleanable.

21 114272. Mats and duckboards shall be designed to be
22 removable and easily cleanable.

23
24 Article 2. Toilet Facilities
25

26 114276. (a) A permanent food facility shall provide clean
27 toilet facilities in good repair for use by employees.

28 (b) (1) A permanent food facility shall provide clean toilet
29 facilities in good repair for patrons, guests, or invitees when there
30 is onsite consumption of foods or when the food facility was
31 constructed after July 1, 1984, and has more than 20,000 square
32 feet of floor space.

33 (2) Notwithstanding Section 113984.1, toilet facilities that are
34 provided for use by patrons, guests, or invitees shall be in a
35 location where patrons, guests, and invitees do not pass through
36 food preparation, food storage, or utensil washing areas to reach
37 the toilet facilities.

38 (3) For purposes of this section, a building subject to
39 paragraph (1) that has a food facility with more than 20,000

1 square feet of floor space shall provide at least one separate toilet
2 facility for men and one separate toilet facility for women.

3 (4) For purposes of this section, the gas pump area of a service
4 station that is maintained in conjunction with a food facility shall
5 not be considered as property used in connection with the food
6 facility or be considered in determining the square footage of
7 floor space of the food facility.

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

11 (2) Toilet room doors shall be kept closed except during
12 cleaning and maintenance operations.

13 (d) Handwashing facilities, in good repair, shall be provided as
14 specified in Sections 113953 and 113953.3.

15 (e) Any city, county, or city and county may enact ordinances
16 that are more restrictive than this section.

17 (f) (1) Except as provided in paragraph (1) of subdivision (b),
18 any building that is constructed before January 1, 2004, that has
19 a food facility that provides space for the consumption of food on
20 the premises shall either provide clean toilet facilities in good
21 repair for patrons, guests, or invitees on property used in
22 connection with, or in, the food facility or prominently post a
23 sign within the food facility in a public area stating that toilet
24 facilities are not provided.

25 (2) The first violation of paragraph (1) shall result in a
26 warning. Subsequent violations shall constitute an infraction
27 punishable by a fine of not more than two hundred fifty dollars
28 (\$250).

29 (3) The requirements of this section for toilet facilities that are
30 accessible to patrons, guests, or invitees on the property may be
31 satisfied by permitting access by those persons to the toilet and
32 handwashing facilities that are required by this part.

33

34 Article 3. Janitorial Facilities

35

36 114279. (a) At least one curbed cleaning facility or janitorial
37 sink equipped with a drain shall be provided and conveniently
38 located for the cleaning of mops or similar wet floor cleaning
39 tools and for the disposal of mop water and similar liquid waste.

1 (b) Restricted food service facilities shall be exempt from
2 subdivision (a) if hot water is available for janitorial purposes
3 and wastewater from janitorial activities is disposed of through
4 an approved sewage disposal system.

5 114281. A room, area, or cabinet separated from any food
6 preparation or storage area, or warewashing or storage area, shall
7 be provided for the storage of cleaning equipment and supplies.

8 114282. After use, mops shall be placed in a position that
9 allows them to air-dry without soiling walls, equipment, or
10 supplies.

11
12 Article 4. Premises
13

14 114285. (a) A private home, a room used as living or
15 sleeping quarters, or an area directly opening into a room used as
16 living or sleeping quarters may not be used for conducting food
17 facility operations.

18 (b) Restricted food service facilities and supervised care
19 facilities are exempt from subdivision (a), but shall not contain
20 sleeping accommodations in any area where food is prepared or
21 stored.

22 114286. (a) No sleeping accommodations shall be maintained
23 or kept in any room where food is prepared, stored, or sold.

24 (b) Living or sleeping quarters located on the premises of a
25 food facility shall be separated from rooms and areas used for
26 food facility operations by complete partitioning and solid
27 self-closing doors.

28
29 CHAPTER 10. MOBILE FOOD FACILITIES
30

31 114294. (a) All mobile food facilities and mobile support
32 units shall meet the applicable requirements in Chapters 1 to 8,
33 inclusive, and Chapter 13, unless specifically exempted from any
34 of these provisions as provided in this chapter.

35 (b) The enforcement agency shall initially approve all mobile
36 food facilities and mobile support units as complying with the
37 provisions of this chapter and may require reapproval if deemed
38 necessary.

39 (c) Each mobile food facility that is either a special purpose
40 commercial modular and coach as defined by Section 18012.5 or

1 a commercial modular coach as defined by Section 18001.8 shall
2 be certified by the Department of Housing and Community
3 Development, consistent with Chapter 4 (commencing with
4 Section 18025) of Part 2 of Division 13, and regulations
5 promulgated pursuant to that chapter. In addition, the
6 enforcement agency shall approve all equipment installation prior
7 to operation.

8 114295. (a) Except as specified in subdivision (b), all mobile
9 food facilities shall operate in conjunction with a commissary,
10 mobile support unit, or other facility approved by the
11 enforcement agency.

12 (b) This section does not apply to mobile food facilities that
13 operate at community events as defined in Section 113755 and
14 that remain in a fixed position during food preparation and its
15 hours of operation.

16 (c) Mobile food facilities shall be stored at or within a
17 commissary or other location approved by the enforcement
18 agency in order to have protection from unsanitary conditions.

19 (d) Mobile support units shall be operated from and stored at a
20 designated commissary and shall be subject to permitting and
21 plan review.

22 114297. (a) Mobile food facilities shall be cleaned and
23 serviced at least once daily during an operating day.

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

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

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

35 114299. (a) Except as specified in subdivision (c), the
36 business name or name of the operator, city, state, ZIP Code, and
37 name of the permittee, if different from the name of the food
38 facility, shall be legible, clearly visible to patrons, and
39 permanently affixed on the customer side of the mobile food
40 facility and on a mobile support unit.

1 (b) The name shall be in letters at least 3 inches high and shall
2 be of a color contrasting with the vehicle exterior. Letters and
3 numbers for the city, state, and ZIP Code shall not be less than
4 one inch high.

5 (c) Notwithstanding subdivision (a), motorized mobile food
6 facilities and mobile support units shall have the required
7 identification on two sides.

8 114301. (a) Except to the extent that an alternative
9 construction standard is explicitly prescribed by this section,
10 construction standards for mobile food facilities that are subject
11 to Part 2 (commencing with Section 18000) of Division 13 shall
12 be governed by that part.

13 (b) Mobile food facility equipment, including, but not limited
14 to, cooking equipment, the interior of cabinet units, and
15 compartments, shall be designed and made of materials that
16 result in smooth, readily accessible, and easily cleanable
17 surfaces.

18 (1) Unfinished wooden surfaces are prohibited.

19 (2) Construction joints and seams shall be tightly fitted and
20 sealed so as to be easily cleanable. Silicone sealant or equivalent
21 waterproof compounds shall be acceptable, provided that the gap
22 is smaller than one-quarter inch and applied smooth so as to
23 prevent the entrance of liquid waste or vermin.

24 (3) Except as specified in Section 114314, all equipment shall
25 be an integral part of the primary unit.

26 (c) Mobile food facilities that handle potentially hazardous
27 foods, except for prepackaged frozen ready-to-eat foods, whole
28 fish, and whole aquatic invertebrates, shall be equipped with
29 refrigeration units as defined in Section 113885.

30 (d) All new and replacement gas-fired appliances shall meet
31 applicable ANSI standards. All new and replacement electrical
32 appliances shall meet applicable Underwriters Laboratory
33 standards. However, for units subject to Part 2 (commencing with
34 Section 18000) of Division 13, these appliances shall comply
35 with standards prescribed by Sections 18028, 18029.3, and
36 18029.5.

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

1 (f) Equipment in which spillage is likely to occur shall have a
2 drip tray fitted so that spillage drains into a waste tank.

3 (g) All equipment shall be installed so as to be easily
4 cleanable, prevent vermin harborage, and provide adequate
5 access for service and maintenance.

6 (1) Equipment shall be spaced apart or sealed together for easy
7 cleaning. There shall be a minimum of four inches of
8 unobstructed space provided for sanitary maintenance beneath
9 counter mounted equipment or between the sides of adjacent
10 equipment.

11 (2) Portable equipment or machinery need not comply with the
12 minimum leg height requirement.

13 (3) Threads, nuts, or rivets shall not be exposed where they
14 interfere with cleaning. Threads, nuts, or rivets that interfere with
15 cleaning shall be sealed or capped.

16 (4) All floor mounted equipment shall be sealed to the floor to
17 prevent moisture from getting under the equipment, or it shall be
18 raised at least six inches off the floor by means of an easily
19 cleanable leg and foot.

20 (h) Floors, walls, and ceilings of all enclosed food preparation
21 areas shall be constructed so that the surfaces are impervious,
22 smooth, and easily cleanable. Floor surfaces shall provide
23 employee safety from slipping. The juncture of the floor and wall
24 shall be coved with a $\frac{3}{8}$ inch minimum radius coving, with the
25 floor surface extending up the wall at least four inches.

26 (i) Notwithstanding Section 114143, ground or floor surfaces
27 where cooking processes are conducted from a grill, barbecue, or
28 other unenclosed cooking unit on a mobile food facility shall be
29 impervious, smooth, easily cleanable, and shall provide
30 employee safety from slipping. Ground or floor surfaces in
31 compliance with this section shall extend a minimum of five feet
32 on all open sides of where cooking processes are conducted.

33 114303. (a) Employee entrance doors to food preparation
34 areas shall be self-closing and kept closed when not in use.

35 (b) The mobile food facility, and all equipment and utensils
36 shall be protected from potential contamination, and kept clean,
37 in good repair, and free of vermin.

38 (c) During transportation, storage, and operation of a mobile
39 food facility, food, food-contact surfaces, and utensils shall be
40 protected from contamination.

1 (d) The permitholder of an unenclosed mobile food facility
2 handling nonprepackaged food shall develop and follow written
3 operational procedures for food handling and the cleaning and
4 sanitizing of food-contact surfaces and utensils. The enforcement
5 agency shall review and approve the procedures prior to
6 implementation and an approved copy shall be kept on the
7 mobile food facility during periods of operation.

8 114305. (a) During operation, no food intended for retail
9 shall be conveyed, held, stored, displayed, or served from any
10 place other than a mobile food facility, except for the restocking
11 of product in a manner approved by the enforcement agency.

12 (b) Food preparation counter space shall be provided
13 commensurate with the food operation, adjacent to all cooking
14 equipment.

15 (c) Except as specified in subdivision (d), food products
16 remaining after each day's operation shall be stored in an
17 approved commissary or other approved facility.

18 (d) Potentially hazardous foods held at or above 135°F on a
19 mobile food facility or mobile support unit shall be destroyed at
20 the end of the operating day.

21 114307. Mobile food facilities that operate at community
22 events and that remain fixed during food preparation and its
23 hours of operation may:

24 (a) Include a staffed counter that serves hot and cold beverages
25 and ice that are not potentially hazardous food and that are
26 dispensed from approved bulk dispensing units.

27 (b) Store supplies and food that are not potentially hazardous
28 in unopened containers adjacent to the mobile food facility or in
29 a nearby temporary storage unit. "Unopened container" means a
30 factory sealed container that has not been previously opened and
31 that is suitably constructed to be resistant to contamination from
32 moisture, dust, insects, and rodents.

33 (c) Operate an open-air barbecue adjacent to the mobile food
34 facility if approved by the enforcement agency.

35 114309. (a) Mobile food facilities and mobile support unit
36 shall be exempt from the requirements of Sections 114250,
37 114256.1, and 114279.

38 (b) Nothing in this chapter shall be deemed to require any
39 person to replace or modify an existing mobile food facility
40 approved for operation prior to adoption of this part, so long as

1 the facility is operated in accordance with the conditions of
2 approval. Plans and specifications may be required by the
3 enforcement agency if it determines that they are necessary to
4 assure compliance with this part.

5 (c) Mobile food facilities equipped with a one-compartment
6 sink or two-compartment sink that was approved for operation
7 prior to adoption of this part need not provide a
8 three-compartment sink.

9 114311. Except as specified in subdivision (c), mobile food
10 facilities not under a valid permit as of January 1, 1997, from
11 which nonprepackaged food is sold shall provide handwashing
12 facilities. The handwashing facilities shall be separate from the
13 warewashing sink.

14 (a) The handwashing sink shall have a minimum dimension of
15 nine inches by nine inches in length and width and five inches in
16 depth and be easily accessible by food employees.

17 (b) The handwashing facility shall be separated from the
18 warewashing sink by a metal splashguard with a height of at least
19 six inches that extends from the back edge of the drainboard to
20 the front edge of the drainboard, the corners of the barrier to be
21 rounded. No splashguard is required if the distance between the
22 handwashing sink and the warewashing sink drainboards is 24
23 inches or more.

24 114313. (a) Except as specified in subdivision (b), mobile
25 food facilities where nonprepackaged food is cooked, blended, or
26 otherwise prepared shall provide a warewashing sink with at least
27 three compartments with two integral metal drainboards.

28 (1) The dimensions of each compartment shall be at least 12
29 inches wide, 12 inches long, and 10 inches deep, or large enough
30 to accommodate the cleaning of the largest utensil.

31 (2) Each drainboard shall be at least the size of one of the sink
32 compartments. The drainboards shall be installed with at least $\frac{1}{8}$
33 inch per foot slope toward the sink compartment, and fabricated
34 with a minimum of one-half inch lip or rim to prevent the
35 draining liquid from spilling onto the floor.

36 (3) The sink shall be equipped with a mixing faucet and shall
37 be provided with a swivel spigot capable of servicing all sink
38 compartments.

39 (b) Mobile food facilities that are not required to provide a
40 warewashing sink on the mobile food facility, including those

1 that handle nonpotentially hazardous foods that require no
2 preparation other than heating, baking, popping, portioning, bulk
3 dispensing, or assembly shall wash and sanitize all utensils and
4 equipment on a daily basis at the approved commissary or other
5 approved food facility and provide and maintain an adequate
6 supply of spare preparation and serving utensils in the mobile
7 food facility as needed to replace those that become soiled or
8 contaminated.

9 114314. (a) Handwashing facilities and warewashing sinks
10 for unenclosed mobile food facilities shall be an integral part of
11 the primary unit or on an approved auxiliary conveyance that is
12 used in conjunction with, and maintained immediately adjacent
13 to, the primary unit of the mobile food facility.

14 (b) When used in conjunction with a mobile food facility, an
15 auxiliary conveyance shall contain all of the utility connections.

16 114315. Mobile food facilities shall be operated within 200
17 feet travel distance of approved and readily available toilet and
18 handwashing facilities, or as otherwise approved by the
19 enforcement agency, to ensure restroom facilities are available to
20 facility employees whenever the mobile food facility is stopped
21 to conduct business for more than a one-hour period.

22 114317. The exterior of a mobile food facility and the
23 surrounding area, as relating to the operation of food service,
24 shall be maintained in a sanitary condition.

25 114319. (a) Spare tires, related automotive equipment, or
26 special tools relating to the mechanical operation of the mobile
27 food facility shall not be stored in the food preparation or food
28 storage areas.

29 (b) A separate cabinet or drawer shall be installed for the
30 storage of insecticides or other poisonous substances in
31 accordance with Section 114254, if these substances are used. All
32 poisonous chemicals shall be kept in this cabinet or drawer in
33 their original containers and in a manner that offers no
34 contamination hazard to food or utensils.

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

37 (1) Within approved food storage facilities at the commissary
38 or other approved facility.

39 (2) In food compartments approved by the enforcement
40 agency where the food is protected at all times from

1 contamination, exposure to the elements, ingress of rodents and
2 other vermin, and temperature abuse.

3 114321. Mobile food facilities that are occupied during
4 normal business operations shall have a clear, unobstructed
5 height over the aisleway portion of the unit of at least 74 inches
6 from floor to ceiling, and a minimum of 30 inches of
7 unobstructed horizontal aisle space. This section shall not apply
8 to vehicles under permit prior to January 1, 1996.

9 114322. Compressor units that are not an integral part of food
10 equipment, auxiliary engines, generators, and similar equipment
11 shall be installed in an area that is completely separated from
12 food preparation and food storage and that is accessible from
13 outside the unit for proper cleaning and maintenance.

14 114323. (a) A first-aid kit shall be provided and located in a
15 convenient area in an enclosed case.

16 (b) Mobile food facilities that operate at more than one
17 location in a calendar day shall be equipped to meet all of the
18 following requirements:

19 (1) All utensils in a mobile food facility shall be stored so as to
20 prevent their being thrown about in the event of a sudden stop,
21 collision, or overturn. A safety knife holder shall be provided to
22 avoid loose storage of knives in cabinets, boxes, or slots along
23 counter aisles. Knife holders shall be designed to be easily
24 cleanable and be manufactured of materials approved by the
25 enforcement agency.

26 (2) Coffee urns, deep fat fryers, steam tables, and similar
27 equipment shall be equipped with positive closing lids that are
28 fitted with a secure latch mechanism that will prevent excessive
29 spillage of hot liquids into the interior of a mobile food facility in
30 the event of a sudden stop, collision, or overturn. As an
31 alternative to this requirement, a coffee urn may be installed in a
32 compartment that will prevent excessive spillage of coffee in the
33 interior of the unit.

34 (3) Metal protective devices shall be installed on the glass
35 liquid level sight gauges on all coffee urns.

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

39 (d) All liquefied petroleum equipment shall be installed to
40 meet applicable fire authority standards, and this installation shall

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

5 (e) A properly charged and maintained minimum 10 BC-rated
6 fire extinguisher to combat grease fires shall be properly
7 mounted and readily accessible on the interior of each occupied
8 mobile food facility.

9 (f) (1) Except for units subject to Part 2 (commencing with
10 Section 18000) of Division 13, a second means of exit shall be
11 provided in the side opposite the main exit door, or in the roof, or
12 the rear of the unit, with an unobstructed passage of at least 24
13 inches by 36 inches. The interior latching mechanism shall be
14 operable by hand without special tools or key. The exit shall be
15 labeled “Safety Exit” in contrasting colors with letters at least
16 one inch high.

17 (2) For units subject to Part 2 (commencing with Section
18 18000) of Division 13, the size, latching, and labeling of the
19 second means of exit shall comply with standards prescribed by
20 Sections 18028 and 18029.5.

21 (g) All gas-fired appliances shall be properly insulated in a
22 manner that will prevent excessive heat buildup and injury.

23 114325. A water heater or an instantaneous heater capable of
24 heating water to a minimum of 120° F, interconnected with a
25 potable water supply, shall be provided and shall operate
26 independently of the vehicle engine.

27 (a) Except as specified in subdivision (b), a water heater with
28 a minimum capacity of three gallons shall be provided for mobile
29 food facilities.

30 (b) A minimum water heater capacity of one half gallon shall
31 be provided for mobile food facilities approved for limited food
32 preparation.

33 114326. All commissaries and other approved facilities
34 servicing mobile support units, mobile food facilities, and
35 vending machines shall meet the applicable requirements in this
36 part and all of the following:

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

1 (b) Adequate facilities shall be provided for the handling and
2 disposal of garbage and refuse originating from a mobile food
3 facility or mobile support unit.

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

9 (d) Hot and cold water, under pressure, shall be available for
10 cleaning mobile food facilities and mobile support units.

11 (e) Adequate facilities shall be provided for the storage of
12 food, utensils, and other supplies.

13 (f) Notwithstanding Section 113984, commissaries that service
14 mobile food facilities that conduct limited food preparation shall
15 provide a food preparation area.

16 (g) Servicing areas at commissaries shall be provided with
17 overhead protection, except that areas used only for the loading
18 of water or the discharge of sewage and other liquid waste
19 through the use of a closed system of hoses need not be provided
20 with overhead protection.

21 (h) Servicing areas used for cleaning shall be sloped and
22 drained to an approved wastewater system.

23 (i) Adequate electrical outlets shall be provided for mobile
24 food facilities and mobile support units that require electrical
25 service.

26 114327. (a) Mobile support units shall be subject to plan
27 review and be approved by the enforcement agency.
28 Requirements shall be based on proposed method of operation
29 and number of mobile food facilities serviced.

30 (b) Mobile support units shall meet all applicable requirements
31 of this part and the following:

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

36 (2) Be constructed and operated so that no liquid wastes can
37 drain onto any street, sidewalk, or premises.

38 (3) If used to transport potentially hazardous food, approved
39 equipment to maintain food at the required temperatures shall be
40 provided.

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

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

6 (c) Mobile support units shall not be approved for
7 warewashing.

8

9

CHAPTER 11. TEMPORARY FOOD FACILITIES

10

11 114335. (a) Temporary food facilities that operate at a swap
12 meet are limited to only prepackaged nonpotentially hazardous
13 food and whole uncut produce, and shall meet the applicable
14 requirements in Chapter 1 to 8, inclusive, and Chapter 13, unless
15 specifically exempted from any of these provisions.

16 (b) Temporary food facilities that operate at a community
17 event shall meet the applicable requirements in Chapters 1 to 8,
18 inclusive, and Chapter 13, unless specifically exempted from any
19 of these provisions.

20 (c) Food facility requirements shall be determined by the
21 enforcement agency based on the food service activity to be
22 conducted, the type of food that is to be prepared or served, the
23 length of the event, and the extent of food preparation that is to
24 be conducted at a community event within a temporary food
25 facility.

26 114337. The name of the facility, city, state, ZIP code, and
27 name of the operator shall be legible and clearly visible to
28 patrons. The facility name shall be in letters at least three inches
29 high, and shall be of a color contrasting with the surface on
30 which it is posted. Letters and numbers for the city, state, and
31 ZIP code, may not be less than one inch in height.

32 114339. (a) No home canned or home processed foods shall
33 be permitted within a temporary food facility.

34 (b) Notwithstanding subdivision (a), nonpotentially hazardous
35 beverages and baked goods may be offered for sale, sold, or
36 given away by nonprofit charitable organizations for
37 fund-raising purposes at community events.

38 114341. (a) Notwithstanding Section 113984, all food
39 preparation at a community event shall be conducted within the
40 temporary food facility or other approved food facility.

1 (b) Barbecues, grills or other equipment approved for outdoor
2 cooking may be located adjacent to the temporary food facility if
3 local building and fire codes prohibit cooking inside the
4 temporary food facility.

5 (c) Grills and barbecues or other approved cooking equipment
6 shall be separated from public access by using ropes or other
7 approved methods to prevent contamination of the food and
8 injury to the public.

9 114343. (a) Except as otherwise provided in Section 113996,
10 during operating hours of the temporary food facility, potentially
11 hazardous food may be held at a temperature not to exceed 45°F
12 for up to 12 hours in any 24-hour period.

13 (b) At the end of the operating day, potentially hazardous food
14 that is held at 45°F shall be destroyed in a manner approved by
15 the enforcement agency.

16 (c) At the end of the operating day, potentially hazardous food
17 that is held at or above 135°F shall be destroyed in a manner
18 approved by the enforcement officer.

19 114345. Temporary food facilities may include a staffed
20 counter that serves hot and cold beverages and ice that are not
21 potentially hazardous food and that are dispensed from approved
22 bulk dispensing units.

23 114347. Temporary food facilities that handle
24 nonprepackaged food shall provide floors constructed of
25 concrete, asphalt, tight wood, or other similar cleanable material
26 kept in good repair.

27 114349. (a) Temporary food facilities shall be equipped with
28 overhead protection for all food preparation, food storage, and
29 warewashing areas. Overhead protection shall be made of wood,
30 canvas, or other materials that protect the facility from
31 precipitation, dust, bird and insect droppings, and other
32 contaminants.

33 (b) Temporary food facilities that handle nonprepackaged food
34 must also protect food from contamination in all of the following
35 ways:

36 (1) Enclosure of the food facility with 16 mesh per square inch
37 screens.

38 (2) Limiting display and handling of nonprepackaged food in
39 food compartments.

1 (3) Other effective means approved by the enforcement
2 officer.

3 (c) Notwithstanding Section 113984, this section does not
4 apply to temporary food facilities that are approved for limited
5 food preparation if flying insects, vermin, birds, and other pests
6 are absent due to the location of the facility or other limiting
7 conditions.

8 114351. Notwithstanding Section 114095, a warewashing
9 sink may be shared by no more than four temporary food
10 facilities that handle nonprepackaged food if the sink is centrally
11 located and is adjacent to the sharing facilities.

12 114353. A temporary food facility shall provide only
13 single-use articles for use by the consumer.

14 114354. (a) Food-related and utensil-related equipment used
15 in conjunction with a temporary food facility shall be approved
16 by the enforcement agency.

17 (b) Cold and hot holding equipment shall be provided to insure
18 proper temperature control during transportation, storage, and
19 operation of the temporary food facility.

20 (c) Equipment shall be located and installed to prevent food
21 contamination.

22 114355. Ice used for refrigeration purposes shall not be used
23 for consumption in food or beverages.

24 114356. (a) Notwithstanding Section 114047, during periods
25 of operation, supplies and nonpotentially hazardous food, in
26 unopened containers may be stored adjacent to the temporary
27 food facility or in unopened containers in an approved nearby
28 temporary storage unit. An “unopened container” means a
29 factory sealed container that has not been previously opened and
30 that is suitably constructed to be resistant to contamination from
31 moisture, dust, insects, and rodents.

32 (b) During periods of inoperation, food shall be stored within
33 a fully enclosed temporary food facility, within a permanent food
34 facility or other facility approved by the enforcement agency, or
35 in approved food compartments where the food is protected at all
36 times from contamination, exposure to the elements, ingress of
37 rodents and other vermin, and temperature abuse.

38 114358. (a) Notwithstanding Section 113953, handwashing
39 facilities for temporary food facilities that operate for three days
40 or less may include a container capable of providing a continuous

1 stream of water at a temperature of 100°F from an approved
2 source that leaves both hands free to allow vigorous rubbing with
3 soap and warm water for 20 seconds.

4 (b) Food facilities that handle only prepackaged food may
5 provide cold water with a germicidal soap at the handwashing
6 facility.

7 (c) A catch basin shall be provided to collect wastewater, and
8 the wastewater shall be properly disposed of according to Section
9 114197.

10 (d) Handwashing facilities shall be equipped with
11 handwashing cleanser and single-use sanitary towels.

12 (e) A separate receptacle shall be available for towel waste.

13 114359. (a) At least one toilet facility for each 15 employees
14 shall be provided within 200 feet of each temporary food facility.

15 (b) Each toilet facility shall be provided with approved
16 handwashing facilities.

17 114361. Temporary food facilities that operate for more than
18 one day shall be cleaned and serviced by methods approved by
19 the enforcement agency.

20 114363. Based upon local environmental conditions, location,
21 and other similar factors, the enforcement officer may establish
22 additional structural or operational requirements, or both, as
23 necessary to ensure that foods are of a safe and sanitary quality.

24

25 CHAPTER 12. CERTIFIED FARMERS' MARKETS

26

27 114370. Certified farmers' markets shall meet the applicable
28 general sanitation requirements in Section 113980 and as
29 provided in this chapter.

30 114371. Certified farmers' markets shall meet all of the
31 following requirements:

32 (a) All food shall be stored at least six inches off the floor or
33 ground or under any other conditions that are approved.

34 (b) Food preparation is prohibited at certified farmers' markets
35 with the exception of food samples. Distribution of food samples
36 may occur provided that the following sanitary conditions exist:

37 (1) Samples shall be kept in approved, clean, covered
38 containers.

39 (2) All food samples shall be distributed by the producer in a
40 sanitary manner.

1 (3) Clean, disposable plastic gloves shall be used when cutting
2 food samples.

3 (4) Food intended for sampling shall be washed or cleaned in
4 another manner of any soil or other material by potable water in
5 order that it is wholesome and safe for consumption.

6 (5) Notwithstanding Section 114205, potable water shall be
7 available for handwashing and sanitizing as approved by the
8 enforcement agency.

9 (6) Potentially hazardous food samples shall be maintained at
10 or below 45°F and shall be disposed of within two hours after
11 cutting.

12 (7) Wastewater shall be disposed of in a facility connected to
13 the public sewer system or in a manner approved by the
14 enforcement agency.

15 (8) Utensils and cutting surfaces shall be smooth,
16 nonabsorbent, and easily cleanable, or single-use articles shall be
17 utilized.

18 (c) Approved toilet and handwashing facilities shall be
19 available within 200 feet travel distance of the premises of the
20 certified farmers' market or as approved by the enforcement
21 officer.

22 (d) No live animals, birds, or fowl shall be kept or allowed
23 within 20 feet of any area where food is stored or held for sale.
24 This subdivision does not apply to guide dogs, signal dogs, or
25 service dogs when used in the manner specified in Section 54.1
26 of the Civil Code.

27 (e) All garbage and refuse shall be stored and disposed of in a
28 manner approved by the enforcement officer.

29 (f) Notwithstanding Chapter 10 (commencing with Section
30 114294), vendors selling food adjacent to, and under the
31 jurisdiction and management of, a certified farmers' market may
32 store, display, and sell from a table or display fixture apart from
33 the vehicle in a manner approved by the enforcement agency.

34 (g) Temporary food facilities may be operated as a separate
35 community event adjacent to and in conjunction with certified
36 farmers' markets that are operated as a community event. The
37 organization in control of the event at which one or more
38 temporary food facilities operate shall comply with Section
39 114383.

- 1 114373. Raw shell eggs may be stored and displayed without
- 2 refrigeration if all of the following conditions are met:
- 3 (a) The eggs were produced by poultry owned by the seller
- 4 and collected on the seller’s property.
- 5 (b) The eggs are not placed in direct sunlight during storage or
- 6 display.
- 7 (c) Retail egg containers are prominently labeled “refrigerate
- 8 after purchase” or the seller posts a conspicuous sign advising
- 9 consumers that the eggs are to be refrigerated as soon as practical
- 10 after purchase.
- 11 (d) Retail egg containers are conspicuously identified as to the
- 12 date of the pack.
- 13 (e) The eggs have been cleaned and sanitized.
- 14 (f) The eggs are not checked, cracked, or broken.
- 15 (g) Any eggs that are stored and displayed at temperatures of
- 16 90°F or below and that are unsold after four days from the date of
- 17 pack shall be stored and displayed at an ambient temperature of
- 18 45°F or below, diverted to pasteurization, or destroyed in a
- 19 manner approved by the enforcement agency.
- 20 (h) Any eggs that are stored and displayed at temperatures
- 21 above 90°F that are unsold after four days from the date of pack
- 22 shall be diverted to pasteurization or destroyed in a manner
- 23 approved by the enforcement agency.

24
25 CHAPTER 13. COMPLIANCE AND ENFORCEMENT

26
27 Article 1. Plan Review and Permits

- 28
- 29 114380. (a) A person proposing to build or remodel a food
- 30 facility shall submit complete, easily readable plans drawn to
- 31 scale, and specifications to the enforcement agency for review,
- 32 and shall receive plan approval before starting any new
- 33 construction or remodeling of any facility for use as a retail food
- 34 facility.
- 35 (b) Plans and specifications may also be required by the
- 36 enforcement agency if the agency determines that they are
- 37 necessary to assure compliance with the requirements of this
- 38 part, including, but not limited to, a menu change or change in
- 39 the facility’s method of operation.

1 (c) (1) All new school food facilities or school food facilities
2 that undergo modernization or remodeling shall comply with all
3 structural requirements of this part. Upon submission of plans by
4 the school authority, the Office of State Architect and the local
5 enforcement agency shall review and approve all new and
6 remodeled school facilities for compliance with all applicable
7 requirements.

8 (2) Except where a determination is made by the enforcement
9 agency that the nonconforming structural conditions pose a
10 public health hazard, existing food facilities shall be deemed to
11 be in compliance with the law pending replacement or
12 renovation. If a determination is made by the enforcement
13 agency that a structural condition poses a public health hazard,
14 the school shall remedy the deficiency to the satisfaction of the
15 enforcement agency.

16 (d) The plans shall be approved or rejected within 20 working
17 days after receipt by the enforcement agency and the applicant
18 shall be notified of the decision. Unless the plans are approved or
19 rejected within 20 working days, they shall be deemed approved.
20 The building department shall not issue a building permit for a
21 food facility until after it has received plan approval by the
22 enforcement agency. Nothing in this section shall require that
23 plans or specifications be prepared by someone other than the
24 applicant.

25 114381. (a) A food facility shall not be open for business
26 without a valid permit.

27 (b) A permit shall be issued by the enforcement agency when
28 investigation has determined that the proposed facility and its
29 method of operation meets the specifications of the approved
30 plans or conforms to the requirements of this part.

31 (c) A permit, once issued, is nontransferable. A permit shall be
32 valid only for the person, location, type of food sales, or
33 distribution activity and, unless suspended or revoked for cause,
34 for the time period indicated.

35 (d) Any fee for the permit or registration or related services,
36 including, but not limited to, the expenses of inspecting and
37 impounding any utensil suspected of releasing lead or cadmium
38 in violation of Section 108860 as authorized by Section 114393,
39 review of HACCP plans, and alternative means of compliance
40 shall be determined by the local governing body.

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

3 (f) Any person requesting the enforcement agency to
4 undertake activity pursuant to Sections 114149.1 and 114419.3
5 shall pay the enforcement agency's costs incurred in undertaking
6 the activity. The enforcement agency's services shall be assessed
7 at the current hourly cost recovery rate.

8 114381.1. In addition to the permit issued to each food facility
9 participating in a community event or swap meet, a permit shall
10 be obtained by the person or organization responsible for
11 facilities that are shared by two or more food facilities.

12 (a) The permit application and site plan shall be submitted to
13 the enforcement agency at least two weeks prior to operation of
14 any food facility.

15 (b) The site plan shall show the proposed locations of the food
16 facilities, restrooms, refuse containers, potable water supply
17 faucets, waste water disposal facilities, and all shared
18 warewashing and handwashing facilities.

19 114381.2. A permit application shall be submitted to the
20 enforcement agency by each temporary food facility operator that
21 includes all of the following:

22 (a) A site plan that indicates the proposed layout of equipment,
23 food preparation tables, food storage, warewashing, and
24 handwashing facilities.

25 (b) Details of the materials and methods used to construct the
26 temporary food facility.

27 (c) All food products that will be handled and dispensed.

28 (d) The proposed procedures and methods of food preparation
29 and handling.

30 (e) Procedures, methods, and schedules for cleaning utensils,
31 equipment, and structures, and for the disposal of refuse.

32 (f) How food will be transported to and from a permanent food
33 facility or other approved food facility and the temporary food
34 facility, and steps taken to prevent contamination of foods.

35 (g) How potentially hazardous foods will be maintained at or
36 below 41°F or at or above 135°F.

37 114385. (a) For purposes of this part, supervised care
38 facilities shall not open for business without a valid permit or
39 registration with the local enforcement agency.

1 (b) Supervised care facilities shall obtain a valid permit and
2 shall be subject to the requirements of this part when food service
3 is provided for 15 or more persons.

4 (c) Supervised care facilities shall register with the local
5 enforcement agency when food service is provided for less than
6 15 persons and for all supervised care facilities that are operated
7 in private homes. For purposes of this part, registration shall
8 serve as notification to the local enforcement agency of the
9 existence of the facility or operation.

10 114387. Any person operating a food facility shall obtain all
11 necessary permits to conduct business, including, but not limited
12 to, a permit issued by the enforcement agency. In addition to the
13 penalties prescribed under Article 2, violators shall be subject to
14 closure of the facility and a penalty not to exceed three times the
15 cost of the permit.

16
17 Article 2. Enforcement
18

19 114390. (a) Enforcement officers shall enforce this part and
20 all regulations adopted pursuant to this part.

21 (b) (1) For purposes of enforcement, any authorized
22 enforcement officer may, during the facility's hours of operation
23 and other reasonable times, enter, inspect, issue citations to, and
24 secure any sample, photographs, or other evidence from a food
25 facility or any facility suspected of being a food facility, or a
26 vehicle transporting food to or from a retail food facility, when
27 the vehicle is stationary at an agricultural inspection station, a
28 border crossing, or at any food facility under the jurisdiction of
29 the enforcement agency, or upon the request of an incident
30 commander.

31 (2) If a food facility is operating under a HACCP plan, the
32 enforcement officer may, for the purpose of determining
33 compliance with the plan, secure as evidence any documents, or
34 copies of documents, relating to the facility's adherence to the
35 HACCP plan. Inspection may, for the purpose of determining
36 compliance with this part, include any record, file, paper,
37 process, HACCP plan, invoice, or receipt bearing on whether
38 food, equipment, or utensils are in violation of this part.

39 (c) Notwithstanding subdivision (a), an employee may refuse
40 entry to an enforcement officer who is unable to present official

1 identification showing the enforcement officer's picture and
2 enforcement agency name. In the absence of the identification
3 card, a business card showing the enforcement agency's name
4 plus a picture identification card such as a driver's license shall
5 meet this requirement.

6 (d) It is a violation of this part for any person to refuse to
7 permit entry or inspection, the taking of samples or other
8 evidence, access to copy any record as authorized by this part, to
9 conceal any samples or evidence, withhold evidence concerning
10 them, or interfere with the performance of the duties of an
11 enforcement officer, including making verbal or physical threats
12 or sexual or discriminatory harassment.

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

16 114391. (a) A food that is unsafe, adulterated, or not honestly
17 presented as specified under Section 113980 shall be discarded.

18 (b) Food that is not from an approved source as specified in
19 Section 113980 shall be discarded.

20 (c) Ready-to-eat food that may have been contaminated by an
21 employee who has been restricted or excluded as specified in
22 Section 113951 shall be discarded.

23 (d) Food that is contaminated by food employees, consumers,
24 or other persons through contact with their hands, bodily
25 discharges, such as nasal or oral discharges, or other means shall
26 be discarded.

27 114393. (a) Based upon inspection findings or other
28 evidence, an enforcement officer may impound food, equipment,
29 or utensils that are found to be unsanitary or in such disrepair that
30 food, equipment, or utensils may become contaminated or
31 adulterated, and inspect, impound, or inspect and impound any
32 utensil that is suspected of releasing lead or cadmium in violation
33 of Section 108860. The enforcement officer may attach a tag to
34 the food, equipment, or utensils that shall be removed only by the
35 enforcement officer following verification that the condition has
36 been corrected.

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

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

6 114395. Except as otherwise provided in this part, any person
7 who violates any provision of this part or regulation adopted
8 pursuant to this part is guilty of a misdemeanor. Each offense
9 shall be punished by a fine of not less than twenty-five dollars
10 (\$25) or more than one thousand dollars (\$1,000) or by
11 imprisonment in the county jail for a term not exceeding six
12 months, or by both fine and imprisonment.

13 114397. The owner, manager, or operator of any food facility
14 is responsible for any violation by an employee of any provision
15 of this part or any regulation adopted pursuant to this part. Each
16 day the violation occurs shall be a separate and distinct offense.

17 114399. A violation of any provision of this part or regulation
18 adopted pursuant to this part relating to facilities held in common
19 or shared by more than one food facility shall be deemed a
20 violation for which the owner, manager, or operator of each food
21 facility is responsible.

22

23 Article 3. Permit Suspension or Revocation

24

25 114405. (a) A permit may be suspended or revoked by a local
26 enforcement officer for a violation of this part. Any food facility
27 for which the permit has been suspended shall close and remain
28 closed until the permit has been reinstated. Any food facility for
29 which the permit has been revoked shall close and remain closed
30 until a new permit has been issued.

31 (b) Whenever a local enforcement officer finds that a food
32 facility is not in compliance with the requirements of this part, a
33 written notice to comply shall be issued to the permitholder. If
34 the permitholder fails to comply, the local enforcement officer
35 shall issue to the permitholder a notice setting forth the acts or
36 omissions with which the permitholder is charged, and informing
37 him or her of a right to a hearing, if requested, to show cause
38 why the permit should not be suspended or revoked. A written
39 request for a hearing shall be made by the permitholder within 15
40 calendar days after receipt of the notice. A failure to request a

1 hearing within 15 calendar days after receipt of the notice shall
2 be deemed a waiver of the right to a hearing. When
3 circumstances warrant, the hearing officer may order a hearing at
4 any reasonable time within this 15-day period to expedite the
5 permit suspension or revocation process.

6 (c) The hearing shall be held within 15 calendar days of the
7 receipt of a request for a hearing. Upon written request of the
8 permit holder, the hearing officer may postpone any hearing date,
9 if circumstances warrant the action.

10 114407. The hearing officer shall issue a written notice of
11 decision to the permit holder within five working days following
12 the hearing. In the event of a suspension or revocation, the notice
13 shall specify the acts or omissions with which the permit holder is
14 charged, and shall state the terms of the suspension or that the
15 permit has been revoked.

16 114409. (a) If any imminent health hazard is found, unless
17 the hazard is immediately corrected, an enforcement officer may
18 temporarily suspend the permit and order the food facility
19 immediately closed.

20 (b) Whenever a permit is suspended as the result of an
21 imminent health hazard, the enforcement officer shall issue to the
22 permit holder a notice setting forth the acts or omissions with
23 which the permit holder is charged, specifying the pertinent code
24 section, and informing the permit holder of the right to a hearing.

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

32 114411. The enforcement agency may, after providing
33 opportunity for a hearing, modify, suspend, or revoke a permit
34 for serious or repeated violations of any requirement of this part
35 or for interference in the performance of the duty of the
36 enforcement officer.

37 114413. A permit may be reinstated or a new permit issued if
38 the enforcement agency determines that the conditions that
39 prompted the suspension or revocation no longer exist.

Article 4. Variance

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39

114417. The department may issue a variance for only the sections set forth in Section 113936 and Section 114056, if in the opinion of the department, the alternative practice or procedure is equivalent to the respective requirements of this part and the alternative practice or procedure does not result in a health hazard.

114417.1. (a) Within 180 days after the effective date of this part, the department shall develop the form of application that an applicant for a variance must submit. The department may amend the form as it deems appropriate. The application shall contain, at a minimum, the following information:

(1) A detailed description of the requested variance, including citation to the relevant sections specified in Section 113936.

(2) An analysis of the science-based rationale upon which the proposed alternate practice or procedure is based, to include, if and as appropriate, microbial challenge and process validation studies demonstrating how potential health hazards dealt with in those sections that are relevant to the requested variance will be addressed.

(3) A description of the specific procedures, processes, monitoring steps, and other relevant protocols that will be implemented pursuant to the variance to address potential health hazards dealt with in those sections specified in Section 113936 that are relevant to the requested variance.

(4) A HACCP plan, if required pursuant to Section 114430, that includes all applicable information relevant to the requested variance.

(b) An application for a variance shall be submitted to the department, and must be accompanied at the time of submission by the fees specified in subdivision (c).

(c) Each application for a variance shall be accompanied at the time of submission by payment of fees sufficient to pay the necessary costs of the department as specified in Section 113717. Any overpayment by the applicant in excess of the recovery rate and other costs incurred shall be repaid to the applicant within 30 calendar days after final action is taken by the department on the application.

1 114417.2. (a) Upon receipt of an application for a variance,
2 the department shall determine whether the application is
3 substantially complete and in compliance with Section 114417.1.
4 Within 45 calendar days after submission of a complete
5 application that complies with Section 114417.1, the department
6 shall determine whether the alternate practice or procedure
7 described in the application is satisfactory and at least the
8 equivalent of the requirements of this part relating to preventing
9 a health hazard.

10 (b) In the event that the department grants the variance, it shall
11 issue to the applicant a variance letter that shall include, but not
12 be limited to, the information specified in Section 114417.3.

13 (c) The department shall transmit a copy of its variance letter
14 to all local enforcement agencies, and post the variance letter on
15 the department's Internet Web site.

16 114417.3. Each variance letter shall include, have attached to
17 it, or reference each of the following:

18 (a) The information specified in Section 114417.1. That
19 information may be presented verbatim, in summary form, or by
20 means of attachment.

21 (b) Detailed findings by the department as to the nature and
22 extent of the potential hazards, if any, that might be implicated
23 with respect to the requirements specified in this part, and the
24 manner in which the alternate practice or procedure specified in
25 the variance will address those hazards.

26 (c) The specifics of any operating restrictions or requirements
27 upon which the granting of the variance is conditioned.

28 (d) If appropriate, the particular events, locations, and
29 operations for which the variance is granted.

30 114417.4. A variance letter shall be valid solely with respect
31 to those particular types of food facilities, events, locations, and
32 operations expressly set forth and only on the specific terms and
33 conditions upon which the variance is granted. A variance
34 granted by the department shall be binding on every local
35 enforcement agency.

36 114417.5. The permitholder shall retain a copy of the variance
37 letter on file at the food facility at all times and shall make it
38 available for inspection by the enforcement officer.

1 114417.6. If the department grants a variance, or if a HACCP
2 plan is required pursuant to Section 114430, the permitholder
3 shall do both of the following:

4 (a) Comply with the HACCP plan and procedures that are
5 submitted as specified in Section 114430.2 and approved as a
6 condition for the granting of the variance.

7 (b) Maintain and provide to the enforcement agency, upon
8 request, records specified under a HACCP plan, or otherwise
9 pursuant to the variance letter, that demonstrate that the
10 following are routinely employed:

- 11 (1) Procedures for monitoring critical control points.
- 12 (2) Monitoring of the critical control points.
- 13 (3) Verification of the effectiveness of an operation or process.
- 14 (4) Necessary corrective actions if there is a failure at a critical
15 control point.

16 114417.7. (a) The department may suspend or revoke a
17 variance if either of the following occurs:

18 (1) The department determines that the variance poses a
19 hazard due to changes in scientific knowledge or the nature and
20 extent of any hazard that might result.

21 (2) There is a finding that the food facility is not complying
22 with specific terms and conditions pursuant to which the variance
23 was granted.

24 (b) The department may suspend or revoke a variance upon
25 the grounds specified in this section only after giving the
26 permitholder written notice of the proposed suspension or
27 revocation, which shall include the specific reasons why the
28 variance is proposed to be suspended or revoked. The
29 permitholder shall be given an opportunity to be heard, in person,
30 in writing, or through a representative, at least 24 hours before
31 the variance can be suspended or revoked.

32

33 Article 5. HACCP Exemptions

34

35 114419. (a) Food facilities may engage in any of the
36 following activities only pursuant to a HACCP plan as specified
37 in Section 114419.1:

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

- 1 (2) Packing potentially hazardous foods in reduced oxygen
2 packaging for a period that exceeds 10 days.
- 3 (3) Storing partially cooked meals in sealed containers at
4 temperatures above 0°F for a period that exceeds 10 days.
- 5 (4) Preserving foods by smoking, curing, adding components
6 such as vinegar, or using food additives.
- 7 (5) Brewing alcoholic beverages.
- 8 (6) Custom processing animals that are for personal use as
9 food and not for sale or service in a food facility.
- 10 (7) Preparing food by another method that is determined by
11 the enforcement agency to require a HACCP plan.
- 12 (b) Food facilities may engage in the following only pursuant
13 to a HACCP plan that has been approved by the department:
- 14 (1) Using acidification or water activity to prevent the growth
15 of clostridium botulinum.
- 16 (2) Using molluscan shellfish life support system display tanks
17 to store and display shellfish that are offered for human
18 consumption.
- 19 114419.1. For a food facility that is required under Section
20 114419 to have a HACCP plan, the plan and specifications shall
21 indicate all of the following:
- 22 (a) A flow diagram of the specific food for which the HACCP
23 plan is requested, identifying critical control points and providing
24 information on the following:
- 25 (1) Ingredients, materials, and equipment used in the
26 preparation of that food.
- 27 (2) Formulations or recipes that delineate methods and
28 procedural control measures that address the food safety
29 concerns involved.
- 30 (b) A food employee and supervisory training plan that
31 addresses the food safety issues of concern.
- 32 (c) A statement of standard operating procedures for the plan
33 under consideration including clearly identifying the following:
- 34 (1) Each critical control point.
- 35 (2) The critical limits for each critical control point.
- 36 (3) The method and frequency for monitoring and controlling
37 each critical control point by the food employee designated by
38 the person in charge.

1 (4) The method and frequency for the person in charge to
2 routinely verify that the food employee is following standard
3 operating procedures and monitoring critical control points.

4 (5) Action to be taken by the person in charge if the critical
5 limits for each critical control point are not met.

6 (6) Records to be maintained by the person in charge to
7 demonstrate that the HACCP plan is properly operated and
8 managed.

9 (d) Additional scientific data or other information, as required
10 by the department, supporting the determination that food safety
11 is not compromised by the proposal.

12 114419.2. (a) Applicable HACCP training shall be provided
13 and documented for food employees who work in the preparation
14 of food for which a HACCP plan has been implemented.
15 Training given to food employees shall be documented as to date,
16 trainer, and subject.

17 (b) Verification of critical limits specified in a HACCP plan
18 shall be conducted by a laboratory approved by the department
19 prior to implementation of the HACCP plan. Documentation of
20 laboratory verification shall be maintained with the HACCP plan
21 for the duration of its implementation.

22 (c) No verification of the effectiveness of a critical limit shall
23 be required if the critical limits used in the HACCP plan do not
24 differ from the critical limits set forth in this part.

25 (d) The person operating a food facility pursuant to a HACCP
26 plan shall designate at least one person to be responsible for
27 verification of the HACCP plan. Training for the designated
28 person shall include the seven principles of HACCP and the
29 contents of the HACCP plan as described in Section 114419.1.
30 HACCP training records of the designated person shall be
31 retained for the duration of employment, or a period of not less
32 than two years, whichever is greater.

33 (e) Critical limit monitoring equipment shall be suitable for its
34 intended purpose and shall be calibrated as specified by its
35 manufacturer. The food facility shall maintain all calibration
36 records for a period not less than two years.

37 114419.3. (a) Except as specified in Section 114419, nothing
38 in this section shall be deemed to require the enforcement agency
39 to review or approve a HACCP plan.

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

4 (c) A HACCP plan may be disapproved if it does not comply
5 with HACCP principles.

6 (d) The enforcement agency may suspend or revoke its
7 approval of a HACCP plan without prior notice if the agency
8 finds any of the following:

9 (1) The plan poses a public health risk due to changes in
10 scientific knowledge or the hazards present.

11 (2) The food facility does not have the ability to follow its
12 HACCP plan.

13 (3) The food facility does not consistently follow its HACCP
14 plan.

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

20 (f) The hearing shall be held within 15 working days of the
21 receipt of a request for a hearing. Upon written request of the
22 permitholder, the hearing officer may postpone any hearing date,
23 if circumstances warrant that action.

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

28 114421. (a) Each food facility that identifies a trade secret
29 shall provide in writing to the enforcement agency the
30 information they consider to be a trade secret.

31 (b) The enforcement agency shall treat as confidential, to the
32 extent allowed by law, information that meets the criteria
33 specified in law for a trade secret and is contained on inspection
34 report forms and in the plans and specifications submitted as
35 specified under Section 114419.1.

36 114423. A microbial challenge study may be submitted to the
37 enforcement agency for review for purposes of verifying that a
38 food does not constitute a potentially hazardous food.

Article 6. Exemptions

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

114425. Raw duck that otherwise would be readily perishable shall be exempt from Section 113996 for a period not to exceed two hours, if the duck will subsequently be cooked at or above a temperature of 350°F for at least 60 minutes.

(a) Whole Chinese-style roast duck shall be exempt from Section 113996 for a period not to exceed four hours after the duck is prepared, if the methods used to prepare the food inhibit the growth of microorganisms that can cause food infections or food intoxications. Nothing in this section shall be construed to supersede any provisions of this part, except the provisions specified in this section.

(b) For the purposes of this section, “Chinese-style roast duck” shall include, but not be limited to, Chinese-style barbecue duck, dry hung duck, and Peking duck. “Chinese-style roast duck” means duck which 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 350°F or more for at least 60 minutes.

114427. 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 that meets the following criteria, shall be exempt from Section 114266:

- (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.

1 114429. (a) Notwithstanding Sections 113996 and 114343
2 and if permitted by federal law, a food facility may sell Korean
3 rice cakes that have been at room temperature for no more than
4 24 hours.

5 (b) At the end of the operating day, Korean rice cakes that
6 have been at room temperature for no more than 24 hours shall
7 be destroyed in a manner approved by the enforcement agency.

8 (c) For purposes of this section, a “Korean rice cake” is
9 defined as a confection that contains rice powder, salt, sugar,
10 various edible seeds, oil, dried beans, nuts, dried fruits, and dried
11 pumpkin. The ingredient shall not include any animal fats or any
12 other products derived from animals.

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

15
16 Article 7. Food Facility Food Donations
17

18 114432. Any food facility may donate food to a food bank or
19 to any other nonprofit charitable organization for distribution to
20 persons free of charge.

21 114433. No food facility that donates food as permitted by
22 Section 114432 shall be subject to civil or criminal liability or
23 penalty for violation of any laws, regulations, or ordinances
24 regulating the labeling or packaging of the donated product or,
25 with respect to any other laws, regulations, or ordinances, for a
26 violation occurring after the time of the donation.

27 114434. The immunities provided in Section 114433 and by
28 Section 1714.25 of the Civil Code are in addition to any other
29 immunities provided by law, including those provided by
30 Chapter 5 (commencing with Section 58501) of Part 1 of
31 Division 21 of the Food and Agricultural Code.

32 SEC. 3. No reimbursement is required by this act pursuant to
33 Section 6 of Article XIII B of the California Constitution for
34 certain costs that may be incurred by a local agency or school
35 district because, in that regard, this act creates a new crime or
36 infraction, eliminates a crime or infraction, or changes the
37 penalty for a crime or infraction, within the meaning of Section
38 17556 of the Government Code, or changes the definition of a
39 crime within the meaning of Section 6 of Article XIII B of the
40 California Constitution.

1 However, if the Commission on State Mandates determines
2 that this act contains other costs mandated by the state,
3 reimbursement to local agencies and school districts for those
4 costs shall be made pursuant to Part 7 (commencing with Section
5 17500) of Division 4 of Title 2 of the Government Code.

O