

AMENDED IN ASSEMBLY APRIL 21, 2008

AMENDED IN ASSEMBLY MARCH 24, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 2540

Introduced by Assembly Member Mendoza
(*Coauthor: Senator Runner*)

February 22, 2008

An act to amend ~~Section 113709~~ Sections 113831, 114067, 114205, 114297, and 114301 of the Health and Safety Code, relating to food facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2540, as amended, Mendoza. ~~Food facilities: evaluation or grading. Mobile food facilities.~~

The California Retail Food Code provides for the regulation of health and sanitation standards for retail food facilities by the State Department of Public Health, *including mobile food facilities and satellite food service, as defined*. Under existing law, local health agencies are primarily responsible for enforcing this code. ~~The code provides that its provisions and regulations adopted pursuant to these provisions are exclusive of all local health and sanitation standards relating to retail food facilities, except that the code does not prohibit a local government from adopting an evaluation or grading system for food facilities.~~

This bill would, ~~instead, provide that the code does not prohibit a local government from adopting an evaluation or grading system for food facilities if the evaluation or grading system uses color coding or uses the letters A, B, and C, and Fail to indicate the level to which a food facility meets or does not meet prescribed requirements and~~

standards additionally define a “single operating site mobile food facility” for purposes of the California Retail Food Code. The bill would revise various standards applicable to mobile food facilities and satellite food service, with respect to water storage, contamination prevention, and construction standards.

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

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

1 SECTION 1. Section 113831 of the Health and Safety Code is
 2 amended to read:

3 113831. (a) “Mobile food facility” means any vehicle used in
 4 conjunction with a commissary or other permanent food facility
 5 upon which food is sold or distributed at retail. “Mobile food
 6 facility” does not include a “transporter” used to transport packaged
 7 food from a food facility, or other approved source to the consumer.

8 (b) “Single operating site mobile food facilities” means one or
 9 more nonpermanent nonenclosed food facility operating at a single
 10 location, in conjunction with a commissary, mobile support unit,
 11 or other permanent food facility, upon which food is sold or
 12 distributed at retail.

13 SEC. 2. Section 114067 of the Health and Safety Code is
 14 amended to read:

15 114067. (a) Satellite food service is restricted to limited food
 16 preparation.

17 (b) Satellite food service shall only be operated by a fully
 18 enclosed permanent food facility that meets the requirements for
 19 food preparation and service and that is responsible for servicing
 20 the satellite food service operation.

21 (c) Prior to conducting satellite food service, the permitholder
 22 of the permanent food facility shall submit to the enforcement
 23 agency written standard operating procedures that include all of
 24 the following information:

- 25 (1) All food products that will be handled and dispensed.
- 26 (2) The proposed procedures and methods of food preparation
 27 and handling.
- 28 (3) Procedures, methods, and schedules for cleaning utensils,
 29 equipment, structures, and for the disposal of refuse.

1 (4) How food will be transported to and from the permanent
2 food facility and the satellite food service operation, and procedures
3 to prevent contamination of foods.

4 (5) How potentially hazardous foods will be maintained in
5 accordance with Section 113996.

6 (d) All food preparation shall be conducted within a food
7 compartment or fully enclosed facility approved by the enforcement
8 officer.

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

11 (f) Satellite food service operations that handle nonprepackaged
12 food shall be equipped with approved, permanently plumbed
13 handwashing facilities and warewashing facilities *that are either*
14 *permanently plumbed or self-contained and are serviced via an*
15 *appropriate mobile support unit.*

16 (g) Notwithstanding subdivision (f), the local enforcement
17 agency may approve the use of alternative warewashing facilities.

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

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

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

28 *SEC. 3. Section 114205 of the Health and Safety Code is*
29 *amended to read:*

30 114205. (a) Nonpermanent food facilities that handle
31 nonprepackaged food shall be equipped with *both* potable water
32 and wastewater tanks, unless approved temporary water and
33 wastewater connections are provided.

34 (b) Permanent food facilities shall be in compliance with
35 Sections 114190 to 114201, inclusive.

36 *SEC. 4. Section 114297 of the Health and Safety Code is*
37 *amended to read:*

38 114297. (a) Mobile food facilities shall be cleaned and serviced
39 at least once daily during an operating day.

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

4 (c) Mobile food facilities that are serviced by a mobile support
5 unit and that do not report to a commissary on a daily basis shall
6 be stored in a manner that protects the mobile food facility from
7 contamination. *If otherwise adequately protected from*
8 *contamination, metal shutters shall not be required to protect the*
9 *mobile food facility from contamination.* All food shall be stored
10 at the commissary or other approved facility at the end of the
11 operating day.

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

14 *SEC. 5. Section 114301 of the Health and Safety Code is*
15 *amended to read:*

16 114301. (a) Except to the extent that an alternative construction
17 standard is explicitly prescribed by this section, construction
18 standards for mobile food facilities that are subject to Part 2
19 (commencing with Section 18000) of Division 13 shall be governed
20 by that part.

21 (b) Mobile food facility equipment, including, but not limited
22 to, cooking equipment, the interior of cabinet units, and
23 compartments, shall be designed and made of materials that result
24 in smooth, readily accessible, and easily cleanable surfaces. *Size*
25 *limitations may only be imposed under this chapter based on*
26 *facility mobility and accessibility to required support services.*

27 (1) Unfinished wooden surfaces are prohibited.

28 (2) Construction joints and seams shall be tightly fitted and
29 sealed so as to be easily cleanable. Silicone sealant or equivalent
30 waterproof compounds shall be acceptable, provided that the gap
31 is smaller than one-quarter inch and applied smooth so as to prevent
32 the entrance of liquid waste or vermin.

33 (3) Except as specified in Section 114314, nonportable
34 equipment shall be an integral part of the primary unit.

35 (c) Mobile food facilities that handle potentially hazardous
36 foods, except for prepackaged frozen ready-to-eat foods, whole
37 fish, and whole aquatic invertebrates, shall be equipped with
38 refrigeration units as defined in Section 113885.

39 (d) All new and replacement gas-fired appliances shall meet
40 applicable ANSI standards. All new and replacement electrical

1 appliances shall meet applicable Underwriters Laboratory
2 standards. However, for units subject to Part 2 (commencing with
3 Section 18000) of Division 13, these appliances shall comply with
4 standards prescribed by Sections 18028, 18029.3, and 18029.5.

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

8 (f) Equipment in which spillage is likely to occur shall have a
9 drip tray fitted so that spillage drains into a waste tank.

10 (g) All equipment shall be installed so as to be easily cleanable,
11 prevent vermin harborage, and provide adequate access for service
12 and maintenance.

13 (1) Equipment shall be spaced apart or sealed together for easy
14 cleaning. There shall be a minimum of four inches of unobstructed
15 space provided for sanitary maintenance beneath counter mounted
16 equipment or between the sides of adjacent equipment.

17 (2) Portable equipment or machinery need not comply with the
18 minimum leg height requirement.

19 (3) Threads, nuts, or rivets shall not be exposed where they
20 interfere with cleaning. Threads, nuts, or rivets that interfere with
21 cleaning shall be sealed or capped.

22 (4) All floor mounted equipment shall be sealed to the floor to
23 prevent moisture from getting under the equipment, or it shall be
24 raised at least six inches off the floor by means of an easily
25 cleanable leg and foot.

26 (h) Floors, walls, and ceilings of all enclosed food preparation
27 areas shall be constructed so that the surfaces are impervious,
28 smooth, and easily cleanable. Floor surfaces shall provide employee
29 safety from slipping. The juncture of the floor and wall shall be
30 coved with a $\frac{3}{8}$ inch minimum radius coving, with the floor surface
31 extending up the wall at least four inches.

32 (i) Notwithstanding Section 114143, ground or floor surfaces
33 where cooking processes are conducted from a grill, barbecue, or
34 other unenclosed cooking unit on a mobile food facility shall be
35 impervious, smooth, easily cleanable, and shall provide employee
36 safety from slipping. Ground or floor surfaces in compliance with
37 this section shall extend a minimum of five feet on all open sides
38 of where cooking processes are conducted.

39 ~~SECTION 1. Section 113709 of the Health and Safety Code~~
40 ~~is amended to read:~~

1 ~~113709. Nothing in this part shall prohibit a local governing~~
2 ~~body from adopting an evaluation or grading system for food~~
3 ~~facilities if the evaluation or grading system uses color coding or~~
4 ~~uses the letters A, B, and C, and Fail to indicate the level to which~~
5 ~~a food facility meets or does not meet prescribed requirements and~~
6 ~~standards, from prohibiting any type of food facility, from adopting~~
7 ~~an employee health certification program, or from regulating the~~
8 ~~provision of consumer toilet and handwashing facilities.~~

O