

AMENDED IN ASSEMBLY APRIL 22, 2009

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1372

Introduced by Assembly Member Feuer

February 27, 2009

An act to add Article ~~1.5 (commencing with Section 112056)~~ to Chapter 4 of Part 6 ~~4.4 (commencing with Section 110540)~~ to Chapter 5 of Part 5 of Division 104 of the Health and Safety Code, relating to food safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 1372, as amended, Feuer. Food processing establishments: ~~hazard analysis and critical control points~~ *Hazard Analysis Critical Control Point* plans.

Under existing law, the California Food Sanitation Act, a food processing establishment is required to satisfy prescribed sanitation requirements for purposes of food safety. A violation of these provisions is a misdemeanor.

This bill would require a food processing establishment to adopt and implement a Hazard Analysis ~~and Critical Control Points Plan (HACCPP)~~ *Point (HACCP) plan*, as prescribed, including provisions for the testing of food and ingredients for the presence of specified hazards to public health. The bill would also impose reporting and recordkeeping requirements on food processing establishments, as specified. *The bill would impose these requirements commencing January 1, 2012, or January 1, 2013, depending upon the gross annual revenue of the food processing establishment.*

This bill would require the State Department of Public Health to establish minimum standards and requirements for the ~~HACCPPs~~ *HACCP plans*, and review adopted plans for compliance. This bill would also require the department to conduct inspections, as prescribed, and would authorize the department to *increase its annual inspection fee to include, but not exceed, the cost of this additional inspection component*. The bill would require a food processing establishment to test its food and ingredients, as prescribed.

Because this bill would create a new crime, the 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 no reimbursement is required by this act for a specified reason.

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. Article 1.5 (commencing with Section 112056)~~
2 ~~is added to Chapter 4 of Part 6 of Division 104 of the Health and~~
3 ~~Safety Code, to read:~~

4
5 ~~Article 1.5. Hazard Analysis and Critical Control Points Plan~~
6
7 ~~112056.~~

8 *SECTION 1. Article 4.4 (commencing with Section 110540) is*
9 *added to Chapter 5 of Part 5 of Division 104 of the Health and*
10 *Safety Code, to read:*

11
12 *Article 4.4. Hazard Analysis Critical Control Point Plan*
13

14 *110540. (a) A food processing establishment in this state that*
15 *generates more than ____ dollars (\$____) of gross annual revenue*
16 *shall adopt and implement a Hazard Analysis and Critical Control*
17 *Points Plan (HACCPP), as Point (HACCP) plan by January 1,*
18 *2012. The minimum contents of the plan shall be prescribed by the*
19 *department.*

1 ~~(b) The HACCP that is adopted by the food processing~~
2 ~~establishment shall, at a minimum, provide for the following:~~

3 *(b) A food processing establishment in this state that generates*
4 *less than _____ dollars (\$____) of gross annual revenue shall adopt*
5 *and implement an HACCP plan by January 1, 2013, the minimum*
6 *contents of which shall be prescribed by the department.*

7 *(c) The department shall, by regulation, establish the minimum*
8 *requirements of a general HACCP plan by February 1, 2010. The*
9 *regulation shall, at a minimum, adhere to the Hazard Analysis*
10 *Critical Control Point principles and application guidelines*
11 *adopted by the National Advisory Committee on Microbiological*
12 *Criteria for Foods and shall provide both of the following:*

13 (1) Describe the procedures used at the establishment to prevent
14 the presence of hazards, including, but not limited to, poisonous
15 or deleterious substances or other contaminants that may render
16 finished foods or ingredients manufactured at the establishment
17 injurious to health. The procedures ~~should~~ shall include, but need
18 not be limited to, preventive controls, monitoring to ensure the
19 effectiveness of preventive controls, and records of corrective
20 actions, including, *but not limited to*, actions taken in response to
21 the presence of known hazards.

22 (2) Provide for regular testing of samples or specimens of ~~food~~
23 ~~and ingredients and final product~~ at the establishment for the
24 presence of poisonous or deleterious substances or other
25 contaminants that may render the food and ingredients injurious
26 to health.

27 ~~(3) Establish testing standards and procedures that shall be, at~~
28 ~~a minimum, consistent with~~

29 *(d) In complying with this section, a food processing*
30 *establishment shall conduct testing in a manner consistent with*
31 *the standards presented in the federal Food and Drug*
32 ~~Administration's~~ *Administration's Bacterial Analytical Manual*
33 *and standards developed by the Association of Analytical*
34 *Communities International; and the International Organization for*
35 *Standardization, as these standards are in effect on December 31,*
36 *2009 immediately preceding January 1, 2010.*

37 ~~112057.~~

38 *110541.* (a) A food processing establishment shall report to
39 the department, within 24 hours, any test result that is positive for
40 poisonous or deleterious substances or other contaminants.

1 (b) A food processing establishment shall maintain a record of
2 all testing that is conducted pursuant to this article for a period of
3 not less than two ____ years. The food processing establishment
4 shall make these records available to the department for inspection
5 upon request.

6 ~~(e) A food processing establishment shall allow the department
7 to have complete access to its establishment and any vehicle being
8 used to transport or hold food or ingredients from the
9 establishment, during all hours of operation and other reasonable
10 hours, for any of the following purposes:~~

11 ~~(1) Inspection of the establishment or vehicle, or both.~~

12 ~~(2) Inspection and review of records regarding pathogen
13 destruction.~~

14 ~~(3) Inspection and review of records of testing conducted
15 pursuant this article.~~

16 ~~(4) Securing a sample or specimen of a food or ingredient, or
17 both, after paying or offering to pay for the sample or specimen.~~

18 ~~112058.~~

19 ~~110542.~~ (a) The department, ~~in enforcing~~ *implementing* this
20 article, ~~shall do~~ *may do* any or all of the following:

21 ~~(1) Promulgate~~ *Adopt* rules and regulations that establish
22 minimum standards and requirements for a ~~HACCPP~~
23 *product-specific HACCP plan*.

24 (2) Review all ~~HACCPPs~~, *HACCP plans*, as adopted by the
25 food processing establishment, for purposes of determining that
26 the ~~HACCPP~~ *HACCP plan* meets the requirements of Section
27 ~~112056~~ *110540* and any applicable rules and regulations.

28 ~~(3) Conduct~~

29 ~~(b) The department shall conduct~~ inspections to ensure that a
30 food processing establishment is in compliance with its ~~HACCPP~~.
31 *HACCP plan*.

32 *The inspections shall be conducted as a component of the*
33 *department's inspection pursuant to Section 110466 and the fee*
34 *charged for inspection pursuant to Section 110466 shall be*
35 *increased by an additional amount of up to ____ dollars (\$____)*
36 *to cover, but not exceed, the cost of the inspection component*
37 *related to compliance with this article.*

38 ~~(b)~~

39 (c) The department, upon reasonable grounds to suspect that
40 identifiable food or ingredients, or both, at a food processing

1 establishment may be injurious to health, may order that
2 establishment to test samples or specimens of its food or
3 ingredients, or both, for the presence of any poisonous or
4 deleterious substances or other contaminants.

5 SEC. 2. No reimbursement is required by this act pursuant to
6 Section 6 of Article XIII B of the California Constitution because
7 the only costs that may be incurred by a local agency or school
8 district will be incurred because this act creates a new crime or
9 infraction, eliminates a crime or infraction, or changes the penalty
10 for a crime or infraction, within the meaning of Section 17556 of
11 the Government Code, or changes the definition of a crime within
12 the meaning of Section 6 of Article XIII B of the California
13 Constitution.