

ASSEMBLY BILL

No. 2130

Introduced by Assembly Member Pan
(Principal coauthor: Senator Yee)
(Coauthors: Assembly Members Bloom, Maienschein, and
Wieckowski)

February 20, 2014

An act to amend Section 113961 of the Health and Safety Code, relating to food safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 2130, as introduced, Pan. Retail food safety.

Under existing law, the California Retail Food Code, the State Department of Public Health establishes uniform health and sanitation standards for retail food facilities and local health agencies are required to enforce these provisions. A person who violates any provision of the code is guilty of a misdemeanor. Existing law requires food employees to wash their hands in accordance with specified provisions and prohibits food employees from contacting exposed, ready-to-eat food with their bare hands, except under certain conditions, including when washing fruits and vegetables and when not serving a highly susceptible population, as specified.

This bill would make technical, nonsubstantive changes to those provisions.

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 113961 of the Health and Safety Code
2 is amended to read:

3 113961. (a) Food employees shall wash their hands in
4 accordance with the provisions established in Section 113953.3.

5 (b) Except when washing fruits and vegetables, as specified in
6 Section 113992 or as specified in subdivisions (e) and (f), food
7 employees shall not contact exposed, ready-to-eat food with their
8 bare hands and shall use suitable utensils ~~such as~~, *including* deli
9 tissue, spatulas, tongs, single-use gloves, or dispensing equipment.

10 (c) Food employees shall minimize bare hand and arm contact
11 with exposed food that is not in a ready-to-eat form.

12 (d) Food that has been served to a consumer and then wrapped
13 or packaged at the direction of the consumer, ~~such as~~ *including*
14 food placed in a take-home container, shall be handled only with
15 utensils. These utensils shall be properly sanitized before reuse.

16 (e) Subdivision (b) does not apply to a food employee who
17 contacts exposed, ready-to-eat food with bare hands at the time
18 the ready-to-eat food is being added as an ingredient to a food that
19 meets either of the following:

20 (1) Food that contains a raw animal food and is to be cooked in
21 the food establishment to heat all parts of the food to the minimum
22 temperatures specified in subdivisions (a) and (b) of Section
23 114004 or in Section 114008.

24 (2) Food that does not contain a raw animal food but is to be
25 cooked in the food establishment to heat all parts of the food to a
26 temperature of at least 165 degrees Fahrenheit.

27 (f) Food employees not serving a highly susceptible population
28 may contact exposed, ready-to-eat food with their bare hands if
29 all of the following occur:

30 (1) The permit holder obtains prior approval from the regulatory
31 authority.

32 (2) Written procedures are maintained in the food facility and
33 made available to the regulatory authority upon request, that
34 include all of the following:

35 (A) For each bare hand contact procedure, a listing of the
36 specific ready-to-eat foods that are touched by bare hands.

37 (B) Diagrams and other information showing that handwashing
38 facilities that are installed, located, and maintained in accordance

1 with Sections 113953, 113953.1, and 113953.2, are in an easily
2 accessible location and in close proximity to the work station where
3 the bare hand contact procedure is conducted.

4 (3) A written employee health policy that details the manner in
5 which the food facility complies with Sections 113949, 113949.1,
6 113949.2, 113949.3, 113949.4, 113949.5, 113950, and 113950.5,
7 including all of the following:

8 (A) Documentation that food employees acknowledge that they
9 are informed to report information about their health and activities
10 as they relate to gastrointestinal symptoms and diseases that are
11 transmittable through food as specified in Section 113949.1.

12 (B) Documentation that food employees acknowledge their
13 responsibilities as specified in Section 113949.4.

14 (C) Documentation that the person in charge acknowledges the
15 responsibilities specified in Section 113949.5, subdivision (b) of
16 Section 113950, and Section 113950.5.

17 (4) Documentation that food employees acknowledge that they
18 have received training in all of the following:

19 (A) The risks of contacting the specific ready-to-eat foods with
20 bare hands.

21 (B) Proper handwashing techniques and requirements, pursuant
22 to subdivision (a) of Section 113953.3.

23 (C) Where to wash their hands, as specified in Section 113953.1.

24 (D) Proper fingernail maintenance, as specified in Section
25 113968.

26 (E) Prohibition of jewelry, as specified in subdivision (a) of
27 Section 113973.

28 (F) Good hygienic practices, as specified in Sections 113974
29 and 113977.

30 (5) Documentation that hands are washed before food
31 preparation and as necessary to prevent cross-contamination by
32 food employees, as specified in Sections 113952, 113953.1, and
33 113953.3 during all hours of operation when the specific
34 ready-to-eat foods are prepared.

35 (6) Documentation that food employees contacting ready-to-eat
36 foods with bare hands use two or more of the following control
37 measures to provide additional safeguards to hazards associated
38 with bare hand contact:

39 (A) Double handwashing.

40 (B) Nail brushes.

- 1 (C) A hand antiseptic after handwashing, as specified in Section
- 2 113953.4.
- 3 (D) Incentive programs ~~such as~~, *including* paid sick leave, that
- 4 assist or encourage food employees not to report to work if they
- 5 are ill.
- 6 (E) Other control measures approved by the regulatory authority.
- 7 (7) Documentation that corrective action is taken when the
- 8 requirements specified in paragraphs (1) to (6), inclusive, are not
- 9 followed.