

AMENDED IN ASSEMBLY MARCH 19, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 724**

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**Introduced by Assembly Member Dodd**

February 25, 2015

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An act to amend Section ~~114335~~ 113755 of, and to add Section 114364 to, the Health and Safety Code, relating to food safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 724, as amended, Dodd. Temporary food ~~facilities~~: *facilities*: *community event*.

Existing law, the California Retail Food Code, establishes uniform health and sanitation standards for retail food facilities, including temporary food facilities, by the State Department of Public Health. Existing law provides that local health agencies are primarily responsible for enforcing this code. A violation of any provision of the code is generally punishable as a misdemeanor. Existing law ~~limits the service of temporary food facilities that operate at a swap meet to only prepackaged nonpotentially hazardous food and whole, uncut produce, and requires those temporary food facilities and~~ *requires* temporary food facilities that operate at a community event to meet specified ~~requirements~~: *requirements, and defines "community event" for these purposes.*

This bill would ~~make a technical, nonsubstantive change to those provisions~~: *require a temporary food facility to be granted a permit to operate at a community event if the enforcement agency makes a determination that the temporary food facility meets specified requirements, and would require the permit to be issued for the entire duration of the community event. The bill would revise the definition*

*of community event to include a district fair. By requiring a local enforcement agency to issue a permit to a temporary food facility to operate at a community event under specified circumstances, 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

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

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

- 1     SECTION 1. Section 113755 of the Health and Safety Code is
- 2     amended to read:
- 3     113755. “Community event” means an event that is of civic,
- 4     political, public, or educational nature, including state, *district*,
- 5     and county fairs, city festivals, circuses, and other public gathering
- 6     events approved by the local enforcement agency.
- 7     SEC. 2. Section 114364 is added to the Health and Safety Code,
- 8     immediately following Section 114363, to read:
- 9     114364. (a) A temporary food facility shall, upon application,
- 10    be granted a permit to operate at a community event if the
- 11    enforcement agency makes a determination that the temporary
- 12    food facility meets the requirements specified in subdivisions (b)
- 13    and (c) of Section 114335.
- 14    (b) A permit issued to a temporary food facility to operate at a
- 15    community event under subdivision (a) shall be issued for the entire
- 16    duration of the community event and shall expire at the end of that
- 17    duration.
- 18    SEC. 3. If the Commission on State Mandates determines that
- 19    this act contains costs mandated by the state, reimbursement to
- 20    local agencies and school districts for those costs shall be made
- 21    pursuant to Part 7 (commencing with Section 17500) of Division
- 22    4 of Title 2 of the Government Code.

1 SECTION 1. ~~Section 114335 of the Health and Safety Code~~  
2 ~~is amended to read:~~

3 ~~114335. (a) Temporary food facilities that operate at a swap~~  
4 ~~meet are limited to only prepackaged nonpotentially hazardous~~  
5 ~~food and whole, uncut produce, and shall meet the applicable~~  
6 ~~requirements in Chapter 1 (commencing with Section 113700) to~~  
7 ~~Chapter 8 (commencing with Section 114250), inclusive, Chapter~~  
8 ~~12.6 (commencing with Section 114377), and Chapter 13~~  
9 ~~(commencing with Section 114380), unless specifically exempted~~  
10 ~~from any of these provisions.~~

11 ~~(b) Temporary food facilities that operate at a community event~~  
12 ~~shall meet the applicable requirements in Chapter 1 (commencing~~  
13 ~~with Section 113700) to Chapter 8 (commencing with Section~~  
14 ~~114250), inclusive, Chapter 12.6 (commencing with Section~~  
15 ~~114377), and Chapter 13 (commencing with Section 114380),~~  
16 ~~unless specifically exempted from any of these provisions.~~

17 ~~(c) Food facility requirements shall be determined by the~~  
18 ~~enforcement agency based on the food service activity to be~~  
19 ~~conducted, the type of food that is to be prepared or served, the~~  
20 ~~length of the event, and the extent of food preparation that is to be~~  
21 ~~conducted at a community event within a temporary food facility.~~

22 ~~(d) Notwithstanding subdivision (a), the enforcement agency~~  
23 ~~may allow temporary food facilities at a swap meet, depending on~~  
24 ~~the food service activity to be conducted, the type of food that is~~  
25 ~~to be prepared or served, the duration of the swap meet, and the~~  
26 ~~extent of food preparation that is to be conducted at the swap meet.~~