

**Introduced by Senator Wolk**  
(Principal coauthor: Assembly Member Dodd)

February 27, 2015

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An act to amend Sections 110480 and 113789 of the Health and Safety Code, relating to food safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 746, as introduced, Wolk. Food safety: grist mills.

Existing law prohibits, with some exceptions, the manufacture, packing, or holding of processed food without a valid registration from the State Department of Public Health. A violation of these provisions is a crime.

This bill would, beginning January 1, 2018, exempt from the registration requirements the milling, packaging, and selling of grain produced and sold at a water-driven grist mill on the National Register of Historic Places, provided best management practices suitable for a historic water-driven grist mill are followed for the processing and handling of the product, the flour is identified as being produced in a historic mill using traditional methods, and the product meets applicable federal food adulteration purity standards.

Existing law, the California Retail Food Code, provides for the regulation of health and sanitation standards for retail food facilities, as defined, by the department and is primarily enforced by local health agencies. A violation of any provision of the code is a misdemeanor.

This bill would, beginning January 1, 2018, exclude from the definition of a retail food facility a water-driven grist mill that is on the National Register of Historic Places and that has onsite sales of grain that is milled at the facility. The bill would make related findings, declarations, and statements of legislative intent.

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. (a) The Legislature finds and declares all of the  
2 following:

3 (1) Recent legislation that established a moratorium on closure  
4 of state parks and a matching funds program to help keep state  
5 parks open have increased outreach to the public through the use  
6 of creative partnerships and other innovative tools, and other  
7 provisions have helped stabilize the Department of Parks and  
8 Recreation and broaden its financial base.

9 (2) Ongoing efforts by the Parks Forward Commission, the State  
10 Park and Recreation Commission, and the Department of Parks  
11 and Recreation to develop a more secure financial base for the  
12 department through the increased use of pilot projects, the sale of  
13 specialized or regional passes, and other internal reforms are  
14 providing early signs of success that should be strengthened.

15 (3) A stable funding structure must be established for the state  
16 parks, including a more entrepreneurial and robust  
17 revenue-generation strategy with increased efficiency and  
18 accountability, and a dedicated, reliable source of public funding  
19 that will meet ongoing operating needs and continually reduce the  
20 backlog of unmet maintenance needed to protect valuable park  
21 assets.

22 (b) It is the intent of the Legislature in enacting this act to  
23 encourage the Department of Parks and Recreation and the State  
24 Department of Public Health to consult with each other to develop  
25 and implement additional, reasonable improvements designed to  
26 increase public health security at the Bale Grist Mill State Historic  
27 Park, without impairing or adversely affecting historical, cultural,  
28 or natural resources.

29 SEC. 2. Section 110480 of the Health and Safety Code is  
30 amended to read:

31 110480. (a) The registration provisions of this article shall not  
32 apply to any person whose manufacturing, packing, or holding of  
33 processed food is limited solely to temporarily holding processed  
34 foods for up to seven days for further transport if the foods are not  
35 potentially hazardous foods, as defined in Section 110005, or to

- 1 any person whose manufacturing, packing, or holding of processed  
2 food is limited solely to activities authorized ~~by~~ *pursuant to* any  
3 of the following:
- 4 ~~(a)~~
  - 5 (1) A valid bottled water or water vending machine license  
6 issued pursuant to Article 12 (commencing with Section 111070).
  - 7 ~~(b)~~
  - 8 (2) A valid pet food license issued pursuant to Chapter 10  
9 (commencing with Section 113025) of Part 6.
  - 10 ~~(c)~~
  - 11 (3) A valid permit issued pursuant to Chapter 4 (commencing  
12 with Section 113700) of Part 7 to a food facility including a food  
13 facility that manufactures, packs, or holds processed food for sale  
14 at wholesale, provided the food facility that manufactures, packs,  
15 or holds processed food for sale at wholesale does not meet any  
16 of the following conditions:
    - 17 ~~(1)~~
    - 18 (A) Has gross annual wholesale sales of processed foods of more  
19 than 25 percent of total food sales.
    - 20 ~~(2)~~
    - 21 (B) Sells processed foods outside the jurisdiction of the local  
22 health department.
    - 23 ~~(3)~~
    - 24 (C) Sells processed foods that require labeling pursuant to this  
25 part.
    - 26 ~~(4)~~
    - 27 (D) Processes or handles fresh seafood, frozen seafood held in  
28 bulk for further processing, or fresh or frozen raw shellfish.
    - 29 ~~(5)~~
    - 30 (E) Salvages processed foods for sale other than at the retail  
31 food facility.
  - 32 ~~(d)~~
  - 33 (4) A valid cold storage license issued pursuant to Chapter 6  
34 (commencing with Section 112350) of Part 6.
  - 35 ~~(e)~~
  - 36 (5) A valid cannery license issued pursuant to Chapter 8  
37 (commencing with Section 112650) of Part 6.
  - 38 ~~(f)~~
  - 39 (6) A valid shellfish certificate issued pursuant to Chapter 5  
40 (commencing with Section 112150) of Part 6.

- 1     ~~(g)~~
- 2     (7) A valid frozen food locker plant license issued pursuant to
- 3 Chapter 7 (commencing with Section 112500) of Part 6.
- 4     ~~(h)~~
- 5     (8) A valid winegrower’s license or wine blender’s license
- 6 pursuant to Division 9 (commencing with Section 23000) of the
- 7 Business and Professions Code.
- 8     ~~(i)~~
- 9     (9) A valid milk products plant, margarine, imitation ice cream,
- 10 imitation ice milk, or a products resembling milk products plant
- 11 license, issued pursuant to Division 15 (commencing with Section
- 12 32501) of the Food and Agricultural Code.
- 13     ~~(j)~~
- 14     (10) A valid permit issued by a local health department to
- 15 operate a processing establishment, as defined in Section 111955,
- 16 that only holds or warehouses processed food, pursuant to Article
- 17 1 (commencing with Section 111950) of Chapter 4 of Part 6,
- 18 provided that all of the following conditions are met:
- 19     ~~(1)~~
- 20     (A) The warehouse does not manufacture or pack processed
- 21 food.
- 22     ~~(2)~~
- 23     (B) The warehouse does not hold fresh seafood, frozen seafood
- 24 held in bulk for further processing, or fresh or frozen raw shellfish.
- 25     ~~(3)~~
- 26     (C) The warehouse is not operated as an integral part of a food
- 27 processing facility required to be registered pursuant to Section
- 28 110460.
- 29     ~~(4)~~
- 30     (D) The warehouse facilities are located entirely within the area
- 31 under the jurisdiction of the local health department.
- 32     ~~(5)~~
- 33     (E) The warehouse does not salvage food as the primary
- 34 business.
- 35     (11) *Beginning January 1, 2018, the milling, packaging, and*
- 36 *selling of grain produced and sold at a water-driven grist mill on*
- 37 *the National Register of Historic Places, provided best*
- 38 *management practices suitable for a historic water-driven grist*
- 39 *mill are followed for the processing and handling of the product,*
- 40 *the flour is identified as being produced in a historic mill using*

1 *traditional methods, and the product meets applicable federal food*  
2 *adulteration purity standards.*

3 ~~(k)~~

4 (b) This section shall not be construed to limit the authority of  
5 Los Angeles, San Bernardino, and Orange Counties, or of the City  
6 of Vernon, to conduct any inspections otherwise authorized by  
7 Chapter 4 (commencing with Section 111950) of Part 6.

8 SEC. 3. Section 113789 of the Health and Safety Code is  
9 amended to read:

10 113789. (a) “Food facility” means an operation that stores,  
11 prepares, packages, serves, vends, or otherwise provides food for  
12 human consumption at the retail level, including, but not limited  
13 to, the following:

14 (1) An operation where food is consumed on or off the premises,  
15 regardless of whether there is a charge for the food.

16 (2) A place used in conjunction with the operations described  
17 in this subdivision, including, but not limited to, storage facilities  
18 for food-related utensils, equipment, and materials.

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

21 (1) Public and private school cafeterias.

22 (2) Restricted food service facilities.

23 (3) Licensed health care facilities, except as provided in  
24 paragraph (13) of subdivision (c).

25 (4) Commissaries.

26 (5) Mobile food facilities.

27 (6) Mobile support units.

28 (7) Temporary food facilities.

29 (8) Vending machines.

30 (9) Certified farmers’ markets, for purposes of permitting and  
31 enforcement pursuant to Section 114370.

32 (10) Farm stands, for purposes of permitting and enforcement  
33 pursuant to Section 114375.

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

35 (1) A cooperative arrangement wherein no permanent facilities  
36 are used for storing or handling food.

37 (2) A private home, including a cottage food operation that is  
38 registered or has a permit pursuant to Section 114365.

39 (3) A church, private club, or other nonprofit association that  
40 gives or sells food to its members and guests, and not to the general

1 public, at an event that occurs not more than three days in any  
2 90-day period.

3 (4) A for-profit entity that gives or sells food at an event that  
4 occurs not more than three days in a 90-day period for the benefit  
5 of a nonprofit association, if the for-profit entity receives no  
6 monetary benefit, other than that resulting from recognition from  
7 participating in an event.

8 (5) Premises set aside for wine tasting, as that term is used in  
9 Section 23356.1 of the Business and Professions Code and in the  
10 regulations adopted pursuant to that section, that comply with  
11 Section 118375, regardless of whether there is a charge for the  
12 wine tasting, if no other beverage, except for bottles of wine and  
13 prepackaged nonpotentially hazardous beverages, is offered for  
14 sale for onsite consumption and no food, except for crackers, is  
15 served.

16 (6) Premises operated by a producer, selling or offering for sale  
17 only whole produce grown by the producer or shell eggs, or both,  
18 provided the sales are conducted on premises controlled by the  
19 producer.

20 (7) A commercial food processing establishment as defined in  
21 Section 111955.

22 (8) A child day care facility, as defined in Section 1596.750.

23 (9) A community care facility, as defined in Section 1502.

24 (10) A residential care facility for the elderly, as defined in  
25 Section 1569.2.

26 (11) A residential care facility for the chronically ill, which has  
27 the same meaning as a residential care facility, as defined in Section  
28 1568.01.

29 (12) Premises set aside by a beer manufacturer, as defined in  
30 Section 25000.2 of the Business and Professions Code, that comply  
31 with Section 118375, for the purposes of beer tasting, regardless  
32 of whether there is a charge for the beer tasting, if no other  
33 beverage, except for beer and prepackaged nonpotentially  
34 hazardous beverages, is offered for sale for onsite consumption,  
35 and no food, except for crackers, pretzels, or prepackaged food  
36 that is not potentially hazardous food is offered for onsite  
37 consumption.

38 (13) (A) An intermediate care facility for the developmentally  
39 disabled, as defined in subdivisions (e), (h), and (m) of Section  
40 1250, with a capacity of six beds or fewer.

1 (B) A facility described in subparagraph (A) shall report any  
2 foodborne illness or outbreak to the local health department and  
3 to the State Department of Public Health within 24 hours of the  
4 illness or outbreak.

5 (14) A community food producer, as defined in Section 113752.

6 (15) *Beginning January 1, 2018, a water-driven grist mill that*  
7 *is on the National Register of Historic Places and that has onsite*  
8 *sales of grain that is milled at the facility.*