

AMENDED IN ASSEMBLY APRIL 15, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1258**

**Introduced by Assembly Member Strom-Martin**

February 26, 1999

---

---

~~An act to amend Section 113780 of, to add Section 113736 to, and to add Article 21 (commencing with Section 114480) to Chapter 4 of Part 7 of Division 104 of, the Health and Safety Code, relating to public health. An act to amend Section 113870 of the Health and Safety Code, relating to public health.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1258, as amended, Strom-Martin. Public health: agricultural homestay *establishments*.

The California Uniform Retail Food Facilities Law regulates sanitary standards in retail food establishments.

This bill ~~would provide for the regulation of agricultural homestays, as defined.~~ It would expand the definition of “~~food establishment~~”<sup>2</sup> “*restricted food service transient occupancy establishment*” to include an agricultural homestay *establishment*. Because local health agencies are partially responsible for enforcement of the law’s provisions, the expansion of the law constitutes a state-mandated local program.

Because existing law makes a violation of any of its provisions a misdemeanor, by creating a new crime, this bill would constitute 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, *with regard to certain mandates no reimbursement is required by this act for a specified reason.*

*With regard to any other mandates, 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 the statutory provisions noted above.*

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. — Section 113736 is added to the Health~~
- 2 *SECTION 1. Section 113870 of the Health and Safety*
- 3 *Code is amended to read:*
- 4 113870. (a) “Restricted food service transient
- 5 occupancy establishment” means ~~an~~ *either of the*
- 6 *following:*
- 7 (1) *An establishment of 20 ~~guestrooms~~ guest rooms or*
- 8 *less, that provides overnight transient occupancy*
- 9 *accommodations, that serves food only to its registered*
- 10 *guests, that serves only a breakfast or similar early*
- 11 *morning meal, and no other meals, and with respect to*
- 12 *which the price of food is included in the price of the*
- 13 *overnight transient occupancy accommodation.*
- 14 (2) *An agricultural homestay establishment that*
- 15 *meets all of the following requirements:*
- 16 (A) *Has not more than six guest rooms or*
- 17 *accommodates not more than 15 guests.*
- 18 (B) *Provides overnight transient accommodations.*
- 19 (C) *Serves food only to its registered guests and serves*
- 20 *meals at any time, and with respect to which the price of*



1 food is included in the price of the overnight transient  
2 occupancy accommodation.

3 (D) Lodging and meals are incidental and not the  
4 primary function of the agricultural homestay  
5 establishment.

6 (E) The agricultural homestay establishment is  
7 located on, and is a part of, a farm, as defined in Section  
8 52262 of the Food and Agricultural Code, that produces  
9 agricultural products as its primary source of income.

10 (b) Notwithstanding subdivision (a), a restricted food  
11 service transient occupancy establishment may serve  
12 light foods or snacks presented to the guest for  
13 self-service.

14 (c) For purposes of this section, “restricted food  
15 service transient occupancy establishment” refers to an  
16 establishment as to which the predominant relationship  
17 between the occupants thereof and the owner or  
18 operator of the establishment is that of innkeeper and  
19 guest. For purposes of this section, the existence of some  
20 other legal relationships as between some occupants and  
21 the owner or operator shall be immaterial.

22 *SEC. 2. No reimbursement is required by this act*  
23 *pursuant to Section 6 of Article XIII B of the California*  
24 *Constitution for certain costs that may be incurred by a*  
25 *local agency or school district because in that regard this*  
26 *act creates a new crime or infraction, eliminates a crime*  
27 *or infraction, or changes the penalty for a crime or*  
28 *infraction, within the meaning of Section 17556 of the*  
29 *Government Code, or changes the definition of a crime*  
30 *within the meaning of Section 6 of Article XIII B of the*  
31 *California Constitution.*

32 *However, notwithstanding Section 17610 of the*  
33 *Government Code, if the Commission on State Mandates*  
34 *determines that this act contains other costs mandated by*  
35 *the state, reimbursement to local agencies and school*  
36 *districts for those costs shall be made pursuant to Part 7*  
37 *(commencing with Section 17500) of Division 4 of Title*  
38 *2 of the Government Code. If the statewide cost of the*  
39 *claim for reimbursement does not exceed one million*



1 dollars (\$1,000,000), reimbursement shall be made from  
2 the State Mandates Claims Fund.

3 and Safety Code, to read:

4 ~~113736. “Agricultural homestay” means an~~  
5 ~~establishment of 10 overnight guestrooms or less, that~~  
6 ~~provides overnight transient occupancy accommodations~~  
7 ~~incidental and accessory to an existing ranch or farm.~~  
8 ~~Food services shall be incidental to the agricultural~~  
9 ~~homestay operation and may only be provided to the~~  
10 ~~guests of the ranch or farm. The cost of meals provided~~  
11 ~~to the guests shall be included as part of the fee to visit or~~  
12 ~~stay at the ranch or farm. The sale of individual meals to~~  
13 ~~persons who are not guests of the ranch or farm is not~~  
14 ~~allowed.~~

15 ~~SEC. 2. Section 113780 of the Health and Safety Code~~  
16 ~~is amended to read:~~

17 ~~113780. “Food establishment” means any room,~~  
18 ~~building, or place, or portion thereof, maintained, used,~~  
19 ~~or operated for the purpose of storing, preparing, serving,~~  
20 ~~manufacturing, packaging, transporting, salvaging, or~~  
21 ~~otherwise handling food at the retail level. “Food~~  
22 ~~establishment” includes a restricted food service~~  
23 ~~transient occupancy establishment, as defined in Section~~  
24 ~~113870, and an agricultural homestay, as defined in~~  
25 ~~Section 113736.~~

26 ~~“Food establishment” does not include a commercial~~  
27 ~~food processing establishment as defined in Section~~  
28 ~~111955, at the wholesale level, a mobile food facility,~~  
29 ~~vending machine, satellite food distribution facility,~~  
30 ~~temporary food facility, open-air barbecue, certified~~  
31 ~~farmers’ market, stationary mobile food preparation unit,~~  
32 ~~or mobile food preparation unit.~~

33 ~~SEC. 3. Article 21 (commencing with Section 114480)~~  
34 ~~is added to Chapter 4 of Part 7 of Division 104 of the~~  
35 ~~Health and Safety Code, to read:~~

36

37 ~~Article 21. Agricultural Homestay~~

38

39 ~~114480. The Legislature finds and declares as follows:~~



1 ~~(a) This article is enacted to promote and protect the~~  
2 ~~agricultural industry of the state and for the protection of~~  
3 ~~the public health, safety, and welfare.~~

4 ~~(b) Agricultural homestays are a sustainable form of~~  
5 ~~agrotourism that benefit the interests of both tourists and~~  
6 ~~local communities.~~

7 ~~(c) Ranchers and farmers are able to provide~~  
8 ~~agricultural experiences for tourists who are seeking to~~  
9 ~~observe and experience everyday ranch or farm life while~~  
10 ~~also participating in and enjoying the environment and~~  
11 ~~local culture.~~

12 ~~114481. This article governs general sanitation~~  
13 ~~requirements for an agricultural homestay, as defined in~~  
14 ~~Section 113736.~~

15 ~~114482. Except as otherwise set forth in this article, an~~  
16 ~~agricultural homestay shall meet the applicable~~  
17 ~~requirements in Article 6 (commencing with Section~~  
18 ~~113975), Article 7 (commencing with Section 113990),~~  
19 ~~and Article 8 (commencing with Section 114075).~~

20 ~~114483. For purposes of Section 114015, an~~  
21 ~~agricultural homestay is not a “private home” solely~~  
22 ~~because the owner or operator thereof resides on the~~  
23 ~~premises or prepares on the premises food for his or her~~  
24 ~~consumption and that of his or her family.~~

25 ~~114484. Notwithstanding Section 114021, an~~  
26 ~~agricultural homestay is not required to post signs in toilet~~  
27 ~~rooms in guestrooms.~~

28 ~~114485. An agricultural homestay is exempt from~~  
29 ~~Section 114045, provided, however, that no live animal,~~  
30 ~~bird, or fowl may be kept or allowed in any portion of the~~  
31 ~~premises where food for the registered guests of the~~  
32 ~~homestay is used, stored, served, offered for sale, or given~~  
33 ~~away. Aquariums and aviaries are allowed if enclosed so~~  
34 ~~as not to create a public health problem.~~

35 ~~114486. An agricultural homestay is exempt from~~  
36 ~~Section 114065, provided, however, that an enforcement~~  
37 ~~officer has the right to disapprove any new or~~  
38 ~~replacement equipment that would create a public~~  
39 ~~health problem.~~



1 ~~114487. An agricultural homestay is exempt from~~  
2 ~~Section 114135, provided, however, that no person may~~  
3 ~~store clothing or personal effects in any area used for the~~  
4 ~~storage or preparation of food.~~

5 ~~114488. (a) All utensils and equipment shall be~~  
6 ~~scrapped, cleaned, or sanitized as circumstances require.~~

7 ~~(b) An agricultural homestay shall comply with~~  
8 ~~subdivisions (b) to (e), inclusive, of Section 114090 or, at~~  
9 ~~the option of the owner or operator of the homestay, shall~~  
10 ~~utilize a domestic or commercial dishwasher for the~~  
11 ~~purpose of cleaning and sanitizing multiservice kitchen~~  
12 ~~utensils and multiservice consumer utensils, provided~~  
13 ~~that the dishwasher is capable of providing heat to the~~  
14 ~~surface of the utensils of a temperature of at least 165~~  
15 ~~degrees Fahrenheit. Except as otherwise set forth in this~~  
16 ~~subdivision, an agricultural homestay shall comply with~~  
17 ~~Section 114090.~~

18 ~~114489. Notwithstanding Section 114100, any food~~  
19 ~~preparation sink in an agricultural homestay is not~~  
20 ~~required to have indirect sewer connections.~~

21 ~~114490. An agricultural homestay is exempt from~~  
22 ~~Section 114140, provided, however, that ventilation shall~~  
23 ~~be provided to remove gases, odors, steam, heat, grease,~~  
24 ~~vapors, and smoke from the homestay. In the event that~~  
25 ~~an enforcement officer determines that the ventilation~~  
26 ~~must be mechanical in nature, the ventilation shall be~~  
27 ~~accomplished by methods approved by the department.~~

28 ~~114491. In an agricultural homestay, only new and~~  
29 ~~replacement walls and ceilings, or their coverings, need~~  
30 ~~comply with Section 114155, provided, however, that all~~  
31 ~~walls and ceilings, and their coverings, shall be~~  
32 ~~maintained in a clean and sanitary condition.~~

33 ~~114492. An agricultural homestay is exempt from~~  
34 ~~subdivision (b) of Section 114165, provided, however,~~  
35 ~~that hot water shall be available for janitorial purposes~~  
36 ~~and that waste water from janitorial activities cannot be~~  
37 ~~disposed of in any sink used for washing utensils or for the~~  
38 ~~preparation of food.~~

39 ~~114493. An agricultural homestay is exempt from~~  
40 ~~Section 114175. However, no sleeping accommodations~~



1 are allowed in any area where food is stored, prepared, or  
2 served.

3 114494. All food intended for consumption by guests  
4 shall be from an approved source. The use of home  
5 canned foods and meat and dairy products from  
6 unapproved sources is prohibited.

7 SEC. 4. Notwithstanding Section 17610 of the  
8 Government Code, if the Commission on State Mandates  
9 determines that this act contains costs mandated by the  
10 state, reimbursement to local agencies and school  
11 districts for those costs shall be made pursuant to Part 7  
12 (commencing with Section 17500) of Division 4 of Title  
13 2 of the Government Code. If the statewide cost of the  
14 claim for reimbursement does not exceed one million  
15 dollars (\$1,000,000), reimbursement shall be made from  
16 the State Mandates Claims Fund.

17

