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testing. For purposes of this section, the department's hourly rate shall be adjusted annually in accordance with Section 100425.

- (b) The department shall provide to the person paying the required fee a statement, invoice, or similar document that describes in reasonable detail the costs paid.
- (c) For purposes of this section only, the term "person" does not include any city, county, city and county, or other political subdivision of the state or local government.

113718. Notwithstanding Section 16350 of the Government Code, all moneys deposited in the Retail Food Safety and Defense Fund shall be transferred to the Food Safety Fund for appropriation and expenditure as specified by Section 110050.

113719. Structural and sanitation requirements shall be based on the food service activity to be conducted, the type of food that is to be prepared or served, and the extent of food preparation that is to be conducted at the food facility.

113725.

- (a) The enforcement agency shall utilize a standardized food facility inspection format for food facility inspections that includes all of the following:
 - (1) The name and address of the food facility.
 - (2) Identification of the following inspection criteria, which shall be the basis of the inspection report:
 - (A) Improper holding temperatures of potentially hazardous foods.
 - (B) Improper cooling of potentially hazardous foods.
 - (C) Inadequate cooking of potentially hazardous foods.
 - (D) Poor personal hygiene of food employees.
 - (E) Contaminated equipment.
 - (F) Food from unapproved sources.
 - (3) For each violation identified pursuant to paragraph (2), classification of the violation as a minor violation or major violation.
- (b) An enforcement agency may modify the format to add criteria to those specified pursuant to paragraph (2) of subdivision (a), if both of the following conditions are met:
 - (1) The additional criteria are based on other provisions of this part.
 - (2) A violation is identified by reference to items and sections of this part, or the regulations adopted pursuant to this part relating to those items, if a food facility is cited for a violation of the additional criteria.
- (c) This section shall not restrict the ability of the enforcement agency to inspect and report on criteria other than those subject to regulation under this part.

113725.1. A copy of the most recent routine inspection report conducted to assess compliance with this part shall be maintained at the food facility and made available upon request. The food facility shall post a notice advising consumers that a copy of the most recent routine inspection report is available for review by any interested party.

113725.2. Local enforcement agencies, and the department when adequate funding is made available to the department, shall conduct routine training on food facility inspection standardization to promote the uniform application of inspection procedures.

113725.3.

- (a) The department shall publish standardized procedures for enforcement agencies to report food facility inspection information regarding each food facility. The report shall include all of the following:
 - (1) Name and address of the food facility.
 - (2) Date of last inspection.
 - (3) Identification of any major violation identified in a food facility inspection.

- (4) Reinspection date, if applicable.
- (5) Period of closure, if applicable.
- (b) The department, in consultation with local environmental health directors, representatives of the retail food industry, and other interested parties, may periodically review and revise the standardized procedures established pursuant to subdivision (a). In making any revisions, the department shall strive to ensure that the required information can be reported and made available in the most efficient, timely, and cost-effective manner.
- (c)
 - (1) The standardized procedures established pursuant to this section shall include a standardized electronic format and protocol for reporting the food facility inspection data in a timely manner, and shall strive to ensure that the information is readily accessible, can be rapidly reported, and, if necessary, corrected, for each food facility that has been inspected or reinspected. If the enforcement agency determines that reported information is materially in error, that error shall be corrected within 48 hours after that determination.
 - (2) The department may establish standardized procedures for reporting the information on electronic media, including, but not limited to, floppy disks or compact disks.
- (d) Within 60 days after the department has established the standardized procedures pursuant to this section, the department shall publish these procedures.
- (e)
 - (1) Each enforcement agency that reports food facility inspection information on an Internet Web site shall report the information in accordance with the standardized procedures established pursuant to this section.
 - (2) This section shall not restrict the ability of an enforcement agency to report on matters other than matters subject to regulation under this part.
- (f) The department may establish a link to each Internet Web site utilized by any enforcement agency containing the food facility inspection information pursuant to subdivision (e).

CHAPTER 2. DEFINITIONS

113728. The following definitions apply in the interpretation and application of this part.

113729. "Food additive" has the meaning stated in Section 109940. "Color additive" has the meaning stated in Section 109895.

113729.5. "Acceptable market name" means a name that the FDA recognizes as a suitable statement of identity, as described in Section 101.3 of Title 21 of the Code of Federal Regulations, in the labeling of a species. An acceptable market name fairly represents the identity of the species to United States consumers because it is not confusingly similar to the name of another species and because it is not otherwise misleading. An acceptable market name may be any of the following:

- (a) A common or usual name established by either a history of common usage in the United States or by regulation.
- (b) The common name.
- (c) A name specifically coined as the market name for a species. For example, "basa" is the market name coined for *Pangasius bocourti*.

113732. "Adulterated" means either of the following:

- (a) Food that bears or contains any poisonous or deleterious substance that may render the food impure or injurious to health.
- (b) Food that is manufactured, prepared, or stored in a manner that deviates from a HACCP plan so as to pose a discernable increase in risk.

113733. "Acute gastrointestinal illness" means a short duration illness most often characterized by either of the following, which are known to be commonly associated with the agents most likely to be transmitted from infected food employees through contamination of food:

- (a) Diarrhea, either alone or in conjunction with other gastrointestinal symptoms, such as vomiting, fever, or abdominal cramps.
- (b) Vomiting in conjunction with either diarrhea or two other gastrointestinal symptoms, such as fever or abdominal cramps.

113734. "Approved" means acceptable to the enforcement agency based on a determination of conformity with applicable laws, or, in the absence of applicable laws, current public health principles, practices, and generally recognized industry standards that protect public health

113735.

- (a) "Approved source" means a food source allowed under Article 3 (commencing with Section 114021) of Chapter 4, or a producer, manufacturer, distributor, or food facility that is acceptable to the enforcement agency based on a determination of conformity with applicable laws, or, in the absence of applicable laws, with current public health principles and practices, and generally recognized industry standards that protect public health.
- (b) Any whole uncut fruit or vegetable or unrefrigerated shell egg grown or produced in compliance with all applicable federal, state, or local laws, regulations, and food safety guidelines issued by a regulatory agency shall be deemed to be from an approved source.

113737. "aw" means water activity that is a measure of the free moisture in a food, is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature, and is indicated by the symbol aw.

113739. "Beverage" means a liquid for drinking, including water.

113740. "CCR" means the California Code of Regulations.

113742. "Certified farmers' market" means a location that is certified by the State of California through the enforcement officers of the county agricultural commissioners and operated pursuant to Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code and regulations adopted pursuant to that chapter.

113744. "C.F.R." means the Code of Federal Regulations. Citations in this part to the C.F.R. refer sequentially to the title, part, and section numbers, such as 21 C.F.R. 178.1010 refers to Title 21, Part 178, Section 1010.

113747.

- (a) "CIP" means cleaned in place by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse, and sanitizing solution onto or over equipment surfaces that require cleaning, such as the method used, in part, to clean and sanitize a frozen dessert machine.
- (b) "CIP" does not include the cleaning of equipment such as band saws, slicers, or mixers that are subjected to in-place manual cleaning without the use of a CIP system.

113747.1. "Cold water" means potable water that is not heated by an auxiliary method or source.

113748. "Commingle" means:

- (a) To combine shellstock harvested on different days or from different growing areas as identified on the tag or label.

- (b) To combine shucked shellfish from containers with different container codes or different shucking dates.

113750.

- (a) "Comminuted" means reduced in size by methods including chopping, flaking, grinding, or mincing.
- (b) "Comminuted" includes fish or meat products that are reduced in size and restructured or reformulated including, but not limited to, gefilte fish, formed roast beef, gyros, ground beef, sausage, and a mixture of two or more types of meat that have been reduced in size and combined, including, but not limited to, sausages made from two or more meats.

113751. "Commissary" means a food facility that services mobile food facilities, mobile support units, or vending machines where any of the following occur:

- (a) Food, containers, or supplies are stored.
- (b) Food is prepared or prepackaged for sale or service at other locations.
- (c) Utensils are cleaned.
- (d) Liquid and solid wastes are disposed, or potable water is obtained.

113752. "Community food producer" means a producer of agricultural products on land that is not zoned for agricultural use but is otherwise in compliance with applicable local land use and zoning restrictions, including, but not limited to, restrictions governing personal gardens, community gardens, school gardens, and culinary gardens.

113755. "Community event" means an event conducted for not more than 25 consecutive or nonconsecutive days in a 90-day period and that is of a civic, political, public, or educational nature, including state and county fairs, city festivals, circuses, and other public gathering events approved by the local enforcement agency.

113756. "Condiment" means a nonpotentially hazardous food, such as relishes, spices, sauces, confections, or seasonings, that require no additional preparation, and that is used on a food item, including, but not limited to, ketchup, mustard, mayonnaise, sauerkraut, salsa, salt, sugar, pepper, or chile peppers.

113757. "Consumer" means a person who is a member of the public, takes possession of food, is not functioning in the capacity of an operator of a food facility, and does not offer the food for resale.

113758.

- (a) "Cottage food operation" means an enterprise that has not more than the amount in gross annual sales that is specified in this subdivision, is operated by a cottage food operator, and has not more than one full-time equivalent cottage food employee, not including a family member or household member of the cottage food operator, within the registered or permitted area of a private home where the cottage food operator resides and where cottage food products are prepared or packaged for direct, indirect, or direct and indirect sale to consumers pursuant to this part. In 2013, the enterprise shall not have more than thirty-five thousand dollars (\$35,000) in gross annual sales in the calendar year. In 2014, the enterprise shall not have more than forty-five thousand dollars (\$45,000) in gross annual sales in the calendar year. Commencing in 2015 and each subsequent year thereafter, the enterprise shall not have more than fifty thousand dollars (\$50,000) in gross annual sales in the calendar year. A cottage food operation includes both of the following:
 - (1) A "Class A" cottage food operation, which is a cottage food operation that may engage only in direct sales of cottage food products from the cottage food operation or other direct sales venues described in paragraph (4) of subdivision (b).
 - (2) A "Class B" cottage food operation, which is a cottage food operation that may engage in both direct sales and indirect sales of cottage food products from the cottage food

operation, from direct sales venues described in paragraph (4) of subdivision (b), from offsite events, or from a third-party retail food facility described in paragraph (5) of subdivision (b).

- (b) For purposes of this section, the following definitions shall apply:
- (1) "Cottage food employee" means an individual, paid or volunteer, who is involved in the preparation, packaging, handling, and storage of a cottage food product, or otherwise works for the cottage food operation. An employee does not include an immediate family member or household member of the cottage food operator.
 - (2) "Cottage food operator" means an individual who operates a cottage food operation in his or her private home and is the owner of the cottage food operation.
 - (3) "Cottage food products" means nonpotentially hazardous foods, including foods that are described in Section 114365.5 and that are prepared for sale in the kitchen of a cottage food operation.
 - (4) "Direct sale" means a transaction within the state between a cottage food operation operator and a consumer, where the consumer purchases the cottage food product directly from the cottage food operation. Direct sales include, but are not limited to, transactions at holiday bazaars or other temporary events, such as bake sales or food swaps, transactions at farm stands, certified farmers' markets, or through community-supported agriculture subscriptions, and transactions occurring in person in the cottage food operation.
 - (5) "Indirect sale" means an interaction between a cottage food operation, a third-party retailer, and a consumer, where the consumer purchases cottage food products made by the cottage food operation from a third-party retailer that holds a valid permit issued pursuant to Section 114381. Indirect sales include, but are not limited to, sales made to retail shops or to retail food facilities where food may be immediately consumed on the premises.
 - (6) "Private home" means a dwelling, including an apartment or other leased space, where individuals reside.
 - (7) "Registered or permitted area" means the portion of a private home that contains the private home's kitchen used for the preparation, packaging, storage, or handling of cottage food products and related ingredients or equipment, or both, and attached rooms within the home that are used exclusively for storage.

113759. "Control point" means any distinct procedure or step in receiving, storing, handling, preparing, displaying, transporting, or dispensing a food.

113760. "Critical control point" means a point or procedure in a specific food system where loss of control may result in an unacceptable health risk.

113761. "Critical limit" means the maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a critical control point to minimize the risk that the identified food safety hazard may occur.

113763. "Department" means the State Department of Health Services.

113767. "Easily cleanable" means a characteristic of a surface that allows effective removal of soil, food residue, or other organic or inorganic materials by normal cleaning methods.

113768. "Easily movable" means either of the following:

- (a) Portable; mounted on casters, gliders, or rollers so as to be moveable by one person; or provided with a mechanical means to safely tilt or move a unit of equipment for cleaning.
- (b) Having no utility connection, a utility connection that disconnects quickly, or a flexible utility connection line of sufficient length to allow the equipment to be moved for cleaning of the equipment and adjacent area.

113769. "Egg" means the shell egg of an avian species that includes chicken, duck, goose, guinea, quail, ratite, or turkey, except a balut and an egg product. "Egg" does not include the egg of a reptile species, including an alligator.

113770. "Employee" means the permitholder, person in charge, person having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or other person working in a food facility.

113773. "Enforcement agency" means the department or the local health agency having jurisdiction over the food facility.

113774. "Enforcement officer" means the director, agents, or environmental health specialists appointed by the Director of Health Services, and all local health officers, directors of environmental health, and their duly authorized registered environmental health specialists and environmental health specialist trainees.

113777.

- (a) "Equipment" means an article that is used in the operation of a food facility, including, but not limited to, a freezer, grinder, hood, icemaker, meat block, mixer, oven, reach-in refrigerator, scale, food and utensil shelving and cabinets, sink, slicer, stove, table, temperature measuring device for ambient air, vending machine, or warewashing machine.
- (b) "Equipment" does not include items used for handling or storing large quantities of prepackaged foods that are received from a supplier in a cased or overwrapped lot, such as hand trucks, forklifts, dollies, pallets, racks, and skids.

113778. "Exclude" means to prevent a person from working as a food employee or entering a food facility except for those areas open to the general public.

113778.1. "FDA" means the United States Food and Drug Administration.

113778.2. "Farm stands" are premises, established in accordance with local ordinances and land use codes, defined under and operated pursuant to Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code and regulations adopted and enforced pursuant to that chapter, operating within the requirements set forth in Sections 113789 and 114375.

113778.4. "Fabric implement" means a cloth or fabric, including, but not limited to, burlap and cheesecloth, that is used as part of the food process and comes in direct contact with food that is subsequently cooked.

113779.

- (a) "Fish" means fresh or saltwater finfish, crustaceans, and other forms of aquatic life, other than birds or mammals, and all molluscan shellfish, if intended for human consumption. "Fish" also includes alligator, frog, aquatic turtle, jellyfish, sea cucumber, and sea urchin, and the roe of these animals.
- (b) "Fish" includes a product derived in whole or in part from fish, including fish that have been processed in any manner.

113780. "Fishermen's market" means a location that is operated by a commercial fisherman licensed by the Department of Fish and Wildlife or an entity representing two or more California-licensed commercial fishermen or California-licensed commercial fishermen and California-registered aquaculturists, that sells only raw edible aquatic plants, raw fresh fish, or fresh frozen fish, caught by commercial fishermen licensed by the Department of Fish and Wildlife or harvested by California-registered aquaculturists, directly to consumers.

113781. "Food" means a raw, cooked, or processed edible substance, ice, beverage, an ingredient used or intended for use or for sale in whole or in part for human consumption, and chewing gum.

113783. "Food bank" means a surplus food collection and distribution system operated and established to assist in bringing donated food to nonprofit charitable organizations and individuals for the purposes of reducing hunger and supplying nutritional needs.

113784. "Food compartment" means an enclosed space, including, but not limited to, an air pot, blender, bulk dispensing system, covered chafing dish, and covered ice bin, with all of the following characteristics:

- (a) The space is defined by a physical barrier from the outside environment that completely encloses all food, food-contact surfaces, and the handling of nonprepackaged food.
- (b) All access openings are equipped with tight-fitting closures, or one or more alternative barriers that effectively protect the food from contamination, facilitate safe food handling, while minimizing exposure to the environment.
- (c) It is constructed from materials that are nontoxic, smooth, easily cleanable, and durable and is constructed to facilitate the cleaning of the interior and exterior of the compartment.

113786. "Food-contact surface" means either of the following:

- (a) A surface of equipment or a utensil with which food normally comes into contact.
- (b) A surface of equipment or a utensil from which food may drain, drip, or splash into a food or onto a surface normally in contact with food.

113788. "Food employee" means an employee working with food, food equipment or utensils, or food-contact surfaces.

113789.

- (a) "Food facility" means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level, including, but not limited to, the following:
 - (1) An operation where food is consumed on or off the premises, regardless of whether there is a charge for the food.
 - (2) A place used in conjunction with the operations described in this subdivision, including, but not limited to, storage facilities for food-related utensils, equipment, and materials.
- (b) "Food facility" includes permanent and nonpermanent food facilities, including, but not limited to, the following:
 - (1) Public and private school cafeterias.
 - (2) Restricted food service facilities.
 - (3) Licensed health care facilities, except as provided in paragraph (12) of subdivision (c).
 - (4) Commissaries.
 - (5) Mobile food facilities.
 - (6) Mobile support units.
 - (7) Temporary food facilities.
 - (8) Vending machines.
 - (9) Certified farmers' markets, for purposes of permitting and enforcement pursuant to Section 114370.
 - (10) Farm stands, for purposes of permitting and enforcement pursuant to Section 114375.
 - (11) Fishermen's markets.
- (c) "Food facility" does not include any of the following:
 - (1) A cooperative arrangement wherein no permanent facilities are used for storing or handling food.
 - (2) A private home, including a cottage food operation that is registered or has a permit pursuant to Section 114365.

- (3) A church, private club, or other nonprofit association that gives or sells food to its members and guests, and not to the general public, at an event that occurs not more than three days in any 90-day period.
- (4) A for-profit entity that gives or sells food at an event that occurs not more than three days in a 90-day period for the benefit of a nonprofit association, if the for-profit entity receives no monetary benefit, other than that resulting from recognition from participating in an event.
- (5) Premises set aside for wine tasting, as that term is used in Section 23356.1 of the Business and Professions Code, or premises set aside by a beer manufacturer, as defined in Section 25000.2 of the Business and Professions Code, and in the regulations adopted pursuant to those sections, that comply with Section 118375, regardless of whether there is a charge for the wine or beer tasting, if no other beverage, except for bottles of wine or beer and prepackaged nonpotentially hazardous beverages, is offered for sale or for onsite consumption and no food, except for crackers, pretzels, or prepackaged food that is not potentially hazardous food is offered for sale or for onsite consumption.
- (6) An outlet or location, including, but not limited to, premises, operated by a producer, selling or offering for sale only whole produce grown by the producer or shell eggs, or both, provided the sales are conducted at an outlet or location controlled by the producer.
- (7) A commercial food processing establishment as defined in Section 111955.
- (8) A child day care facility, as defined in Section 1596.750.
- (9) A community care facility, as defined in Section 1502.
- (10) A residential care facility for the elderly, as defined in Section 1569.2.
- (11) A residential care facility for the chronically ill, which has the same meaning as a residential care facility, as defined in Section 1568.01.
- (12)
 - (A) An intermediate care facility for the developmentally disabled, as defined in subdivisions (e), (h), and (m) of Section 1250, with a capacity of six beds or fewer.
 - (B) A facility described in subparagraph (A) shall report any foodborne illness or outbreak to the local health department and to the State Department of Public Health within 24 hours of the illness or outbreak.
- (13) A community food producer, as defined in Section 113752.

113790.

- (a) "Food handler" means an individual who is involved in the preparation, storage, or service of food in a food facility, as defined in subdivision (b), other than an individual holding a valid food safety certificate issued pursuant to Section 113947.3 or an individual involved in the preparation, storage, or service of food in a temporary food facility, as defined in Section 113930.
- (b) For purposes of the definition of a "food facility" in subdivision (a) and in Section 113948, a food facility means a food facility, as defined in Section 113789, that sells food for human consumption to the general public.

113791. "Food preparation" means packaging, processing, assembling, portioning, or any operation that changes the form, flavor, or consistency of food, but does not include trimming of produce.

113794. "Food safety program" means any city, county, or city and county program that requires, at a minimum, either of the following:

- (a) The training of one or more individuals, whether denominated as "owners," "managers," "handlers," or otherwise, relating in any manner to food safety issues.
- (b) Individuals to pass a food safety certification examination.

113794.1. "Food handler program" means any city, county, or city and county program that requires that all or a substantial portion of the employees of a food facility who are involved in the preparation,

storage, service, or handling of food products, engage in an approved food safety training or pass an approved food safety certification examination, or both.

113794.3. "Fresh frozen" means that the food was quickly frozen while still fresh, including immediately after the food had been harvested or fish had been caught.

113794.4. "Frozen food" means a food maintained at a temperature at which all moisture therein is in a solid state.

113795.

- (a) "Game animal" means an animal, the products of which are food, that is not classified as cattle, sheep, swine, goat, horse, mule, or other equine in 9 C.F.R. 301, as poultry in 9 C.F.R. 381, or as fish as defined under Subpart 1 -201.10(B)(31) of the Food and Drug Administration 2001 Food Code.
- (b) "Game animal" includes mammals such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, opossum, raccoon, nutria, or muskrat, and nonaquatic reptiles such as land snakes.
- (c) "Game animal" does not include ratites.

113796. "Gleaner" means a person who legally gathers remnants of an agricultural crop or harvest part of, or all of, an agricultural crop made available by the owner of the agricultural crop.

113797. "Grade A standards" means the requirements of the United States Public Health Service/FDA "Grade A Pasteurized Milk Ordinance" and "Grade A Condensed and Dry Milk Ordinance" with which certain fluid and dry milk and milk products comply.

113799. "HACCP" means a Hazard Analysis Critical Control Point.

113801. "HACCP plan" means a written document that complies with the requirements of Section 114419.1 and that delineates the formal procedures for following the Hazard Analysis Critical Control Point principles developed by the National Advisory Committee on Microbiological Criteria for Foods. These principles include completion of the following basic steps:

- (a) Completion of hazard analysis identification by identifying the likely hazards to consumers presented by a specific food.
- (b) Determination of critical control points in receiving, storage, preparation, displaying, and dispensing of a food.
- (c) Setting of measurable critical limits for each critical control point determined.
- (d) Developing and maintaining monitoring practices to determine if critical limits are being met.
- (e) Developing and utilizing corrective action plans when failure to meet critical limits is detected.
- (f) Establishing and maintaining a recordkeeping system to verify adherence to an HACCP plan.
- (g) Establishing a system of audits to do both of the following:
 - (1) Initially verify the effectiveness of the critical limits set and appropriateness of the determination of critical control points.
 - (2) Periodically verify the effectiveness of the HACCP plan.

113803. "Hazard" means a biological, chemical, or physical property that may cause an unacceptable public health risk.

113804. "Hearing officer" means a local health officer, a director of environmental health, or his or her designee.

113805. "Hermetically sealed container" means a container that is designed and intended to be secure against the entry of micro-organisms and, in the case of low acid canned foods, to maintain the commercial sterility of its contents after processing.

113806. "Highly susceptible population" means a group of persons who are more likely than other people in the general population to experience foodborne disease because both of the following conditions exist:

- (a) The group is comprised of immunocompromised persons, preschool age children, or older adults.
- (b) The group obtains food at a facility, including, but not limited to, a kidney dialysis center, hospital, nursing home, or senior center, that provides services, such as custodial care, health care, assisted living, or socialization services.

113807. "Hot dog" means a whole, cured, cooked sausage that is skinless or stuffed in a casing, that may be known as a frankfurter, frank, furter, wiener, red hot, vienna, bologna, garlic bologna, or knockwurst, and that may be served in a bun or roll.

113810. "Imminent health hazard" means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that can cause food infection, food intoxication, disease transmission, vermin infestation, or hazardous condition that requires immediate correction or cessation of operation to prevent injury, illness, or death.

113812. "Impound" means the legal control exercised by the enforcement officer over the use, sale, disposal, or removal of any food, equipment, or utensils.

113814. "Injected" means manipulating meat to which a solution has been introduced into its interior by processes that are referred to as "injecting," "pinning," or "stitch pumping."

113815. "Juice" means the aqueous liquid expressed or extracted from one or more fruits or vegetables, purees of the edible portions of one or more fruits or vegetables, or any concentrates of such liquid or puree. "Juice" includes juice as a beverage, an ingredient of a beverage, and a puree as an ingredient of a beverage.

113816. "Law" means applicable local, state, and federal statutes, regulations, and ordinances.

113818.

- (a) "Limited food preparation" means food preparation that is restricted to one or more of the following:
 - (1) Heating, frying, baking, roasting, popping, shaving of ice, blending, steaming or boiling of hot dogs, or assembly of nonprepackaged food.
 - (2) Dispensing and portioning of nonpotentially hazardous food.
 - (3) Holding, portioning, and dispensing of any foods that are prepared for satellite food service by the onsite permanent food facility or prepackaged by another approved source.
 - (4) Slicing and chopping of food on a heated cooking surface during the cooking process.
 - (5) Cooking and seasoning to order.
 - (6) Juicing or preparing beverages that are for immediate service, in response to an individual consumer order, that do not contain frozen milk products.
- (b) "Limited food preparation" does not include any of the following:
 - (1) Slicing and chopping unless it is on the heated cooking surface.
 - (2) Thawing.
 - (3) Cooling of cooked, potentially hazardous food.
 - (4) Grinding raw ingredients or potentially hazardous food.
 - (5) Reheating of potentially hazardous foods for hold holding, except for steamed or boiled hot dogs and tamales in the original, inedible wrapper

- (6) Except as authorized in paragraph (3) of subdivision (a), hot holding of nonprepackaged, potentially hazardous food, except for roasting corn on the cob, steamed or boiled hot dogs, and tamales in the original, inedible wrapper.
- (7) Washing of foods.
- (8) Cooking of potentially hazardous foods for later use.

113820. "Linens" means fabric items such as cloth hampers, cloth napkins, tablecloths, wiping cloths, and work garments, including cloth gloves.

113820.5.

(a) "Major food allergen" means all of the following:

- (1) Milk.
- (2) Eggs.
- (3) Fish, including, but not limited to, bass, flounder, and cod.
- (4) Crustacean shellfish, including, but not limited to, crab, lobster, and shrimp.
- (5) Tree nuts, including, but not limited to, almonds, pecans, and walnuts.
- (6) Wheat.
- (7) Peanuts.
- (8) Soybeans.
- (9) A food ingredient that contains protein derived from a food listed in paragraphs (1) to (8), inclusive.

(b) Major food allergen does not include either of the following:

- (1) A highly refined oil derived from a food specified in paragraphs (1) to (8), inclusive, of subdivision (a) and any ingredient derived from that highly refined oil.
- (2) An ingredient that is exempt under the petition or notification process specified in the federal Food Allergen Labeling and Consumer Protection Act of 2004 (Public Law 108-282).

113821. "Major violation" means a violation of this part that may pose an imminent health hazard and warrants immediate closure or other corrective action.

113823. "Meat" means the flesh of animals used as food, including the dressed flesh of cattle, swine, sheep, goats, game animal, and other edible animals, except fish, poultry and wild game animals specified in subdivision (a) of Section 114031.

113824. "Menu change" means a modification of a food facility's menu that would require a change in the food facility's food preparation methods, storage equipment, or storage capacity previously approved by the local enforcement agency. These changes may include, but are not limited to, the addition of potentially hazardous foods to a menu, installation of new food preparation or storage equipment, or increasing storage capacity.

113827. "Minor violation" means a violation of this part that does not pose an imminent health hazard, but does warrant correction.

113831.

- (a) "Mobile food facility" means any vehicle used in conjunction with a commissary or other permanent food facility upon which food is sold or distributed at retail. "Mobile food facility" does not include a "transporter" used to transport packaged food from a food facility, or other approved source to the consumer.
- (b) "Single operating site mobile food facilities" means at least one, but not more than four, unenclosed mobile food facilities, and their auxiliary units, that operate adjacent to each other at a single location.

113833. "Mobile support unit" means a vehicle used in conjunction with a commissary or other permanent food facility that travels to and services mobile food facilities as needed to replenish supplies, including food and potable water, clean the interior of the unit, or dispose of liquid or solid wastes.

113835. "Molluscan shellfish" means any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions thereof, except when the scallop product consists only of the shucked adductor muscle.

113837. "Multiservice utensil" means a utensil manufactured for use more than one time.

113839. "Nonpermanent food facility" means a food facility that operates from a mobile unit or at a nonpermanent location, including, but not limited to, a certified farmers' market, a fishermen's market, a mobile food facility, a mobile support unit, a temporary food facility, or a vending machine.

113841. "Nonprofit charitable organization" means either of the following:

- (a) A corporation incorporated pursuant to the Nonprofit Corporation Law (Division 2 (commencing with Section 5000) of Title 1 of the Corporations Code), that is exempt from taxation pursuant to paragraphs (1) to (10), inclusive, and paragraph (19) of Section 501 (c) of the Internal Revenue Code and Section 23701d of the Revenue and Taxation Code.
- (b) An organization that was organized and is in operation for charitable purposes and meets the requirements of Section 214 of the Revenue and Taxation Code.

113842. "Nonprofit charitable temporary food facilities" means either one of the following:

- (a) A temporary food facility, as defined in Section 113930, that is conducted by a nonprofit charitable organization, as defined in Section 113841.
- (b) An established club or organization of students that operates under the authorization of a school or other educational facility.

113843. "Open-air barbecue" means a piece of equipment designed for barbecuing food, where the food is prepared out of doors by cooking directly over hot coals, heated lava, hot stones, gas flame, or other method approved by the department, on equipment suitably designed and maintained for use out of doors, that is operated by a temporary food facility, or a mobile food facility that remains fixed during hours of operations at a community event or a permanent food facility.

113846. "Outdoor wood-burning oven" means an oven located out of doors, that utilizes wood as the primary fuel for cooking and is operated on the same premises as, and in conjunction with, a permanent food facility.

113849. "Permanent food facility" means a food facility operating in a permanently constructed structure, including any room, building, place, or portion thereof, maintained, used, or operated for the purpose of storing, preparing, serving, manufacturing, packaging, or otherwise handling food at the retail level.

113851. "Permit" means the document issued by the enforcement agency that authorizes a person to operate a food facility.

113853. "Permitholder" means the entity that is legally responsible for the operation of the food facility, such as the owner, the owner's agent, or other person, and possesses a valid permit to operate a food facility.

113855. "Person" means any individual, firm, partnership, joint venture, association, limited liability company, corporation, estate, trust, receiver, syndicate, city, county, or other political subdivision, or any other group or combination acting as a unit.

113856. "Person in charge" means the individual present at a food facility who is responsible for the operation of the food facility.

113859.

- (a) "Personal care items" means items or substances that may be poisonous, toxic, or a source of contamination and are used to maintain or enhance a person's health, hygiene, or appearance.
- (b) "Personal care items" include items such as medicines, first aid supplies, cosmetics, and toiletries such as toothpaste and mouthwash.

113861. "pH" means the symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution. Values between 0 and 7 indicate acidity and values between 7 and 14 indicate alkalinity. The value for pure distilled water is 7, which is considered neutral.

113863. "Plumbing fixture" means a receptacle or device that is permanently or temporarily connected to the water distribution system of the premises and demands a supply of water from the system or discharges used water, waste materials, or sewage directly or indirectly to the drainage system of the premises.

113865. "Plumbing system" means the water supply and distribution pipes, plumbing fixtures and traps, soil, waste, and vent pipes, sanitary and storm sewers and building drains, including their respective connections, devices, and appurtenances within the premises, and water-treating equipment.

113867. "Poisonous or toxic materials" means substances that are not intended for ingestion and are included in one of the following categories:

- (a) Cleaners and sanitizers, which include cleaning and sanitizing agents and agents such as caustics, acids, drying agents, polishes, and other chemicals.
- (b) Pesticides except sanitizers, which include substances such as insecticides and rodenticides.
- (c) Substances necessary for the operation and maintenance of the facility, such as nonfood grade lubricants and personal care items that may be deleterious to health.
- (d) Substances that are not necessary for the operation and maintenance of the facility and are on the premises for retail sale, such as petroleum products and paints.

113868. "Portable" means equipment that is capable of being lifted and moved or has utility connections that are designed to be disconnected or of sufficient length to permit the unit to be moved for cleaning, and does not exceed 80 pounds (36kg) in weight.

113869. "Potable water" means water that complies with the standards for transient noncommunity water systems pursuant to the California Safe Drinking Water Act (Chapter 4 (commencing with Section 116270) of Part 12, to the extent permitted by federal law.

113871.

- (a) "Potentially hazardous food" means a food that requires time or temperature control to limit pathogenic micro-organism growth or toxin formation.
- (b) "Potentially hazardous food" includes a food of animal origin that is raw or heat-treated, a food of plant origin that is heat-treated or consists of raw seed sprouts, cut melons, cut tomatoes or mixtures of cut tomatoes that are not modified to render them unable to support pathogenic micro-organism growth or toxin formation, and garlic-in-oil mixtures that are not acidified or otherwise modified at a food processing plant in a way that results in mixtures that do not support growth or toxin formation as specified under subdivision (a).
- (c) "Potentially hazardous food" does not include any of the following:
 - (1) A food with an aw value of 0.85 or less.
 - (2) A food with a pH level of 4.6 or below when measured at 75°F.

- (3) An air-cooled, hard-boiled egg with shell intact, or an egg with shell intact that is not hard-boiled, but has been pasteurized to destroy all viable salmonellae.
- (4) A food in an unopened, hermetically sealed container that is commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution.
- (5) A food that has been shown by appropriate microbial challenge studies approved by the enforcement agency not to support the rapid and progressive growth of infectious or toxigenic micro-organisms that may cause food infections or food intoxications, or the growth and toxin production of *Clostridium botulinum*, such as a food that has an aw and a pH that are above the levels specified under paragraphs (1) and (2) and that may contain a preservative, other barrier to the growth of micro-organisms, or a combination of barriers that inhibit the growth of micro-organisms.
- (6) A food that does not support the rapid and progressive growth of infectious or toxigenic micro-organisms, even though the food may contain an infectious or toxigenic micro-organism or chemical or physical contaminant at a level sufficient to cause illness.

113873. "Poultry" means either of the following:

- (a) Any domesticated bird, including chickens, turkeys, ducks, geese, or guineas, whether live or dead, as defined in Poultry Products Inspection Regulations (9 C.F.R. 381).
- (b) Any migratory waterfowl, game bird, including a pheasant, partridge, quail, grouse, or guinea, or pigeon, ratites, or squab, whether live or dead, as defined in the Voluntary Poultry Inspection Regulations (9 C.F.R. 362).

113874. "Premises" means:

- (a) The food facility, its contents, and the contiguous land or property and its facilities and contents that are under the control of the permit holder.
- (b) The food facility, its contents, and the land or property not described in subdivision (a) if the facility and contents are under the control of the permit holder and may impact food facility personnel, facilities, or operations.

113876. "Prepackaged food" means any properly labeled processed food, prepackaged to prevent any direct human contact with the food product upon distribution from the manufacturer, a food facility, or other approved source.

113877. "Produce" means any whole edible portion of a plant in its raw and natural state.

113879. "Produce stand" means a permanent food facility that sells, offers for sale, or gives away only produce or shell eggs, or both, except that "produce stand" does not include premises operated by a producer selling or offering for sale only whole produce grown by the producer, or shell eggs, or both, provided that the sales are conducted on premises controlled by the producer.

113880. "Producer" means a person or entity who produces shell eggs or edible plants by practice of the agricultural arts upon land that the person or entity controls.

113881. "Ready-to-eat food" means food that is in a form that is edible without additional preparation to achieve food safety, as specified in Section 114004 or Section 114008, is a raw or partially cooked food of animal origin and the consumer is advised as specified under Section 114093, or may receive additional preparation for palatability or aesthetic, epicurean, gastronomic, or culinary purposes. "Ready-to-eat food" includes all of the following:

- (a) Raw food of animal origin that is cooked as specified in Section 114004 or 114008.
- (b) Raw fruits and vegetables that are washed as specified in Section 113992.
- (c) Fruits and vegetables that are cooked for hot holding as specified in Section 114010.

- (d) All potentially hazardous food that is cooked to the temperature and time required for the specific food under Sections 114004, 114008, and 114010 and cooled as specified in Section 114002.
- (e) Produce for which further washing, cooking, or other processing is not required for food safety, and from which rinds, peels, husks, or shells, if naturally present, are removed.
- (f) Substances derived from plants, such as spices, seasonings, and sugar.
- (g) A bakery item, such as bread, cakes, pies, fillings, or icing, for which further cooking is not required for food safety.
- (h) The following products that are produced in accordance with USDA guidelines and that have received a lethality treatment for pathogens: dry, fermented sausages, such as dry salami or pepperoni; salt-cured meat and poultry products, such as prosciutto ham, country cured ham, and parma ham; and dried meat and poultry products, such as jerky or beef sticks.
- (i) Foods manufactured according to 21 C.F.R. Part 113—Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers.

113883. "Reduced-oxygen packaging" means the reduction of the amount of oxygen in a package by mechanically evacuating the oxygen, displacing the oxygen with another gas or combination of gases, or otherwise controlling the oxygen content in a package to a level below that normally found in the surrounding atmosphere, which is 21 percent oxygen. "Reduced-oxygen packaging" includes methods that may be referred to as altered atmosphere, modified atmosphere, controlled atmosphere, low oxygen, and vacuum packaging, including sous vide.

113885. "Refrigeration unit" means a mechanical unit that extracts heat from an area through liquefaction and evaporation of a fluid by a compressor, flame, or thermoelectric device, and includes a mechanical thermostatic control device that regulates refrigerated blown air into an enclosed area at or below the minimum required food storage temperature of potentially hazardous foods in conformance with Section 113996.

113887. "Refuse" means solid waste not carried by water through the sewage system.

113889. "Remodel" means construction, building, or repair to the food facility that requires a permit from the local building authority. For purposes of mobile food facilities, temporary food facilities, and satellite food service, "remodel" means any replacement or significant modification of an integral piece of equipment.

113893.

- (a) "Restricted food service facility" means either of the following:
 - (1) A food facility of 20 guestrooms or less that provides overnight transient occupancy accommodations, that serves food only to its registered guests, that serves only a breakfast or similar early morning meal and no other meals, and that includes the price of food in the price of the overnight transient occupancy accommodation.
 - (2) An agricultural homestay facility that meets all of the following requirements:
 - (A) Has not more than six guest rooms or accommodates not more than 15 guests.
 - (B) Provides overnight transient accommodations.
 - (C) Serves food only to its registered guests and serves meals at any time, and includes the price of food in the price of the overnight transient occupancy accommodation.
 - (D) Lodging and meals are incidental and not the primary function of the agricultural homestay facility.
 - (E) The agricultural homestay facility is located on, and is a part of, a farm, as defined in Section 52262 of the Food and Agricultural Code, that produces agricultural products as its primary source of income.
- (b) Notwithstanding subdivision (a), a restricted food service facility may serve light foods or snacks presented to the guest for self-service.

- (c) The predominant relationship between the occupants of a restricted food service facility and the permitholder of the facility is that of innkeeper and guest. For purposes of this section, the existence of some other legal relationships as between some occupants and the permitholder shall be immaterial.

113894. "Restrict" means to limit the activities of a food employee so that there is no risk of transmitting a disease that is transmissible through food and the food employee does not work with exposed food, clean equipment, utensils, linens, and unwrapped single-use articles.

113895. "Retail" means the storing, preparing, serving, manufacturing, packaging, transporting, salvaging, or otherwise handling food for dispensing or sale directly to the consumer or indirectly through a delivery service.

113897. "Sanitization" means the application of cumulative heat or chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of five logs, which is equal to a 99.999 percent reduction, of representative disease micro-organisms of public health importance.

113899. "Satellite food service" means a remotely located food service operation that is conducted on the same property as, in reasonable proximity to, and in conjunction with and by, a fully enclosed permanent food facility. Satellite food service does not include remote food service operations located within a fully enclosed permanent food facility.

113901. "Sealed" means free of cracks or other openings that allow the entry or passage of moisture.

113903.

- (a) "Service animal" means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability, or that is in training to do that work or perform those tasks. "Service animal" does not include any other species of animals, whether wild or domestic, trained or untrained.
- (b) The work or tasks performed by a service animal shall include assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, or helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this subdivision.

113907. "Shellfish certification number" means a unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish dealer according to law or to the provisions of the National Shellfish Sanitation Program.

113909. "Shellfish control authority" means a state, federal, foreign, tribal, or other government entity legally responsible for administering a program that includes certification of molluscan shellfish harvesters and dealers.

113911. "Shellstock" means raw, in-shell molluscan shellfish.

113912. "Shucked shellfish" means molluscan shellfish that have one or both shells removed.

113914. "Single-use articles" mean utensils, tableware, carry-out utensils, bulk food containers, and other items such as bags, containers, placemats, stirrers, straws, toothpicks, and wrappers that are designed and constructed for one time, one person use, after which they are intended for discard. "Single-use articles" also include items such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, and number 10 cans that do not meet the materials, durability, strength, and cleanability specifications for utensils under Sections 114130, 114130.1, and 114130.3.

113916. "Smooth" means any of the following:

- (a) A food-contact surface that is free of pits, pinholes, cracks, crevices, inclusions, rough edges, and other surface imperfections detectable by visual or tactile inspection.
- (b) A nonfood-contact equipment surface equal to that of commercial grade hot-rolled steel free of visible scale.
- (c) A floor, wall, or ceiling having an even or level surface with no roughness or projections that render it difficult to clean.

113917. "Swap meet" shall have the meaning set forth in Section 21661 of the Business and Professions Code.

113924. "Table-mounted equipment" means equipment that is not portable and is designed to be mounted off the floor on a table, counter, or shelf.

113926. "Tableware" means eating, drinking, and serving utensils for table use, including forks, knives, spoons, bowls, cups, serving dishes, tumblers, and plates.

113928. "Temperature measuring device" means a thermometer, thermocouple, thermistor, or other device that indicates the temperature of food, air, or water.

113930. "Temporary food facility" means a food facility approved by the enforcement officer that operates at a fixed location for the duration of an approved community event or at a swap meet and only as a part of the community event or swap meet.

113931. "Tight-fitting" means fabricated so that joining members are in contact along the entire seam with no opening greater than 1/64th inch (.04 cm).

113932. "Transporter" means any vehicle used to transport food pursuant to a prior order from a manufacturer, distributor, retail food facility, or other approved source to a retail food facility or consumer.

113933. "USDA" means the United States Department of Agriculture.

113934. "Utensil" means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food, such as kitchenware or tableware that is multiuse, single-service, or single-use, gloves used in contact with food, temperature sensing probes of food temperature measuring devices, and probe-type price or identification tags used in contact with food.

113936. "Variance" means a written document issued by the department that allows the use of an alternative practice or procedure based on a determination by the department that the alternate practice or procedure is equivalent to the existing requirements, and that a health hazard will not result from the alternative practice or procedure. A variance may be issued in the following circumstances:

- (a) For employee hygiene, as described in subdivision (e) of Section 113953, and Sections 113953.3 and 113953.4.
- (b) For protection of food from contamination, as described in Sections 113984, 113986, 113988, and 113992.
- (c) For time as a public health control, as described in Section 114000.

- (d) For cooling time and methods, as described in Sections 114002 and 114002.1.
- (e) For cooking and reheating temperatures for potentially hazardous food, as described in Sections 114004, 114008, 114010, and 114016.
- (f) For use of raw shell eggs in foods that are not thoroughly cooked, as described in Section 114012.
- (g) For thawing of frozen food, as described in Section 114020.
- (h) For receiving temperatures of potentially hazardous foods, as described in Section 114037.
- (i) For reduced-oxygen packaging of potentially hazardous food, as described in Sections 114057 and 114057.1.
- (j) For sanitization methods for food-contact and nonfood-contact surfaces, as described in Sections 114099.6, 114109, 114117, 114119, and 114121.
- (k) For dispensing bulk potentially hazardous food from vending machines as described in subdivision (c) of Section 114145.

113938. "Vending machine" means a self-service device that, upon insertion of money or tokens, dispenses food without the necessity of replenishing the device between each vending operation and that operates in conjunction with a commissary. "Vending machine" does not include any device dispensing exclusively peanuts, nuts, popcorn, gum, or hard candy, prepackaged candy, cookies, crackers, or similar snacks and beverages that are not potentially hazardous food, and prepackaged ice.

113939. "Vermin" means cockroaches, mice, rats, and similar pests that carry disease.

113939.1. "Vermin infestation" means the presence of vermin within the food facility as evidenced by actual live bodies, fresh droppings or vomitus, urine stains, or gnaw marks, that could result in contamination to the food, equipment, packaging, or utensils.

113940. "Warewashing" means the cleaning and sanitizing of utensils and food-contact surfaces of equipment.

113941. "Warm water" means water that is supplied through a mixing valve or combination faucet at a temperature of at least 100°F.

CHAPTER 3. MANAGEMENT AND PERSONNEL

ARTICLE 1. SUPERVISION

113945. The permitholder shall be the person in charge or shall designate a person in charge and shall ensure that a person in charge is present at the food facility during all hours of operation.

113945.1. Except as specified in Section 113984.1, the person in charge shall ensure that persons unnecessary to the food facility operation shall not be allowed in the food preparation, food storage, or warewashing areas.

ARTICLE 2. EMPLOYEE KNOWLEDGE

113947.

- (a) The person in charge and all food employees shall have adequate knowledge of, and shall be properly trained in, food safety as it relates to their assigned duties.
- (b) The person in charge shall comply with both of the following:
 - (1) Have adequate knowledge of major food allergens, foods identified as major food allergens, and the symptoms that a major food allergen could cause in a sensitive individual who has an allergic reaction.
 - (2) Educate the employees at the food facility regarding the information described in paragraph (1), which the person in charge may elect to accomplish by, among other

methods, using a poster or job aid to which the employee can refer.

- (c) For purposes of this section, "person in charge" means a designated person who has knowledge of safe food handling practices and the major food allergens as they relate to the specific food preparation activities that occur at the food facility.

113947.1.

- (a) Food facilities that prepare, handle, or serve nonprepackaged potentially hazardous food, except temporary food facilities, shall have an owner or employee who has successfully passed an approved and accredited food safety certification examination as specified in Sections 113947.2 and 113947.3. There shall be at least one food safety certified owner or employee at each food facility. No certified person at a food facility may serve at any other food facility as the person required to be certified pursuant to this subdivision. The certified owner or employee need not be present at the food facility during all hours of operation.
- (b) Food facilities that are not subject to the requirements of subdivision (a) that prepare, handle, or serve nonprepackaged, nonpotentially hazardous foods, except temporary food facilities, shall do one of the following:
- (1) Have an owner or employee who has successfully passed an approved and accredited food safety certification examination as specified in Sections 113947.2 and 113947.3.
 - (2) Demonstrate to the enforcement officer that the employees have an adequate knowledge of food safety principles as they relate to the specific operation involved in their assigned duties.
- (c) On and after July 1, 2007, temporary food facilities that prepare, handle, or serve nonprepackaged food shall have an owner or person in charge who can demonstrate to the enforcement officer that he or she has an adequate knowledge of food safety principles as they relate to the specific food facility operation.
- (d)
- (1) For the purposes of this section, multiple contiguous food facilities permitted within the same site and under the same management, ownership, or control shall be deemed to be one food facility, notwithstanding the fact that the food facilities may operate under separate permits.
 - (2) This subdivision shall not apply to the premises of a licensed winegrower or brandy manufacturer utilized for wine tastings conducted pursuant to Section 23356.1 of the Business and Professions Code of wine or brandy produced or bottled by, or produced and prepackaged for, that licensee when use is limited to wine tasting.
- (e) A food facility that commences operation, changes ownership, or no longer has a certified owner or employee pursuant to this section shall have 60 days to comply with this subdivision.
- (f) The responsibilities of a certified owner or employee at a food facility or an owner or person in charge of a temporary food facility described in subdivision (c) shall include the safety of food preparation and service, including ensuring that all employees who handle, or have responsibility for handling, nonprepackaged foods of any kind, have sufficient knowledge to ensure the safe preparation or service of the food, or both. The nature and extent of the knowledge that each employee is required to have may be tailored, as appropriate, to the employee's duties related to food safety issues.
- (g) The food safety certificate issued pursuant to Section 113947.3 shall be retained on file at the food facility at all times, and shall be made available for inspection by the enforcement officer.
- (h) Certified individuals shall be recertified every five years by passing an approved and accredited food safety certification examination.
- (i) A food safety program that was not in effect prior to January 1, 1999, shall not be enacted, adopted, implemented, or enforced, unless the program fully conforms to the requirements of this part.

113947.2. The food safety certification examination for purposes of Section 113947.1 shall include, but need not be limited to, all of the following elements of knowledge:

- (a) Foodborne illness, including terms associated with foodborne illness, micro-organisms, hepatitis A, and toxins that can contaminate food and the illness that can be associated with contamination, definition and recognition of potentially hazardous foods, chemical, biological, and physical contamination of food, and the illnesses that can be associated with food contamination, and major contributing factors for foodborne illness.
- (b) The relationship between time and temperature with respect to foodborne illness, including the relationship between time and temperature and micro-organisms during the various food handling, preparation, and serving states, and the type, calibration, and use of thermometers in monitoring food temperatures.
- (c) The relationship between personal hygiene and food safety, including the association of hand contact, personal habits and behaviors, and food employee health to foodborne illness, and the recognition of how policies, procedures, and management contribute to improved food safety practices.
- (d) Methods of preventing food contamination in all stages of food handling, including terms associated with contamination and potential hazards prior to, during, and after delivery.
- (e) Procedures for cleaning and sanitizing equipment and utensils.
- (f) Problems and potential solutions associated with facility and equipment design, layout, and construction.
- (g) Problems and potential solutions associated with temperature control, preventing cross-contamination, housekeeping, and maintenance
- (h) Describing foods identified as major food allergens and the symptoms that a major food allergen could cause in a sensitive individual who has an allergic reaction.

113947.3.

- (a) Food safety certification required pursuant to Section 113947.1 shall be achieved by successfully passing an examination from an accredited food protection manager certification organization. The certification organization shall be accredited by the American National Standards Institute as meeting the requirements of the Conference for Food Protection's "Standards for Accreditation of Food Protection Manager Certification Programs." Those food employees who successfully pass an approved certification examination shall be issued a certificate by the certifying organization. The issuance date for each original certificate issued pursuant to this section shall be the date when the individual successfully completes the examination. Certificates shall be valid for five years from the date of original issuance. Any replacement or duplicate certificate shall have as its expiration date the same expiration date that was on the original certificate.
- (b)
 - (1) By July 20, 2008, the department, in consultation with the California Conference of Directors of Environmental Health, representatives of the retail food industry, and other interested parties, shall develop and implement a program for the purposes of demonstrating adequate knowledge for operators of temporary food facilities.
 - (2) At least one of the accredited food safety certification examinations shall cost no more than sixty dollars (\$60), including the certificate. However, the department may adjust the cost of food safety certification examinations to reflect actual expenses incurred in producing and administering the food safety certification examinations required under this section. If a food safety certification examination is not available at the price established by the department, the certification and recertification requirements relative to food safety certification examinations imposed by this section shall not apply.
 - (3) At least one of the accredited food safety certification examinations shall be offered online.
 - (4) An accredited food safety certification examination that is provided with an in-person trainer-led class or is offered online shall be proctored under secure conditions to protect the validity of the food protection manager certification examination.

113947.4. Except as provided in Section 113947.5, no city, county, or city and county may enact, adopt, implement, or enforce any requirement that any food facility or any person certified pursuant to this section do any of the following:

- (a) Obtain any food safety certificate or other document in addition to the certificate required by Section 113947.1.
- (b) Post, place, maintain, or keep the certificate other than as specified in subdivision (e) of Section 113947.1.
- (c) Pay any fee or other sum as a condition for having a certificate verified, validated, or otherwise processed by the city, county, or city and county.

113947.5. Certification conferred pursuant to this part shall be recognized throughout the state. Nothing in this part shall be construed to prohibit any enforcement agency from implementing or enforcing a food handler program that took effect prior to January 1, 1998, but only in the form in which the program existed prior to January 1, 1998.

113947.6. Notwithstanding Section 114395, a violation of any provision in Sections 113947.1 to 113947.5, inclusive, shall constitute an infraction, punishable by a fine of not more than one hundred dollars (\$100) for each day of operation in violation.

113948.

- (a)
 - (1) Subject to the exceptions described in subdivision (d), a food handler who is hired prior to June 1, 2011, shall obtain a food handler card on or before July 1, 2011. Subject to the exceptions described in subdivision (d), a food handler who is hired on or after June 1, 2011, shall obtain a food handler card within 30 days after the date of hire. Each food handler shall maintain a valid food handler card for the duration of his or her employment as a food handler.
 - (2) Food handler cards shall be valid for three years from the date of issuance, regardless of whether the food handler changes employers during that period.
 - (3) A food handler card shall be recognized throughout the state, except in jurisdictions described in subdivision (e).
- (b)
 - (1) Prior to January 1, 2012, a food handler may obtain a food handler card from either one of the following:
 - (A) An American National Standards Institute (ANSI) accredited training provider that meets ASTM International E2659-09 Standard Practice for Certificate Programs.
 - (B) A food protection manager certification organization described in Section 113947.3.
 - (2) Commencing January 1, 2012, a food handler shall obtain a food handler card only from an American National Standards Institute (ANSI) accredited training provider that meets ASTM International E2659-09 Standard Practice for Certificate Programs.
 - (3) A food handler card shall be issued only upon successful completion of a food handler training course and examination that meets at least all of the following requirements:
 - (A) The course provides basic, introductory instruction on the elements of knowledge described in subdivisions (a), (b), (c), (d), (e), and (g) of Section 113947.2.
 - (B) The course and examination is designed to be completed within approximately two and one-half hours.
 - (C) The examination consists of at least 40 questions regarding the required subject matter.
 - (D) A minimum score of 70 percent on the examination is required to successfully complete the examination.

