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**HEALTH AND SAFETY CODE - HSC**

**DIVISION 104. ENVIRONMENTAL HEALTH [106500 - 119406]** ( *Division 104 added by Stats. 1995, Ch. 415, Sec. 6. )*

**PART 5. SHERMAN FOOD, DRUG, AND COSMETIC LAWS [109875 - 111929.4]** ( *Part 5 added by Stats. 1995, Ch. 415, Sec. 6. )*

**CHAPTER 5. Food [110425 - 111224.6]** ( *Chapter 5 added by Stats. 1995, Ch. 415, Sec. 6. )*

**ARTICLE 11. Local Enforcement [111015 - 111065]** ( *Article 11 added by Stats. 1995, Ch. 415, Sec. 6. )*

**111015.** "Health officer," as used in this article, means the health officer appointed by a county board of supervisors pursuant to Section 101000, by the governing body of a city pursuant to Section 101460, by the governing body of a city and county, or by a local health district board pursuant to former Section 940, that is continued in effect as to any existing district by Section 3 of Chapter 380 of the Statutes of 1959.

(*Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.*)

**111020.** The department, upon the request of a health officer, may authorize the local health department of a city, county, city and county, or local health district to enforce this part, and the regulations adopted pursuant to this part that pertain to retail food establishments, as defined by regulation, if the department determines that the local health department has sufficient personnel with adequate training to do so. The enforcement shall be limited to the area under the jurisdiction of the local health department.

(*Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.*)

**111025.** The department may revoke any authorization made pursuant to this article, if it determines, after a hearing conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code that the local health department authorized pursuant to this article is not enforcing this part or the regulations adopted pursuant to this part, or no longer has an adequate staff qualified to do so.

(*Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.*)

**111030.** A local health department that is authorized by the department to enforce this part may make inspections, take samples, make laboratory examinations, impose and remove embargoes, hold informal hearings, certify facts to the district attorney, and institute proceedings for the forfeiture, condemnation, and destruction of food found to be adulterated or misbranded. The action shall be instituted in the name of the city, county, city and county, or district of which the local health department is a part, and shall conform to the requirements of this part and the regulations adopted by the department pursuant to this part.

(*Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.*)

**111035.** For the purposes of this article, the health officer and his or her deputies shall have the same powers and authority as an inspector of the Bureau of Food and Drug of the department.

(*Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.*)

**111040.** When an examination or analysis made pursuant to this part shows that any provision of this chapter has been violated, written notice of that fact together with a copy of the findings shall be furnished to each party from whom the sample was obtained, or who issued the product guarantee.

(*Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.*)

**111045.** The health officer shall set a time for an informal hearing, at which the parties may be heard before him or her or his or her representatives. A notice in writing shall be served upon the interested parties at least 15 days prior to the hearing. The informal hearing shall be private and limited to questions of fact. Appearances may be made in person or by attorney. Testimony may be

taken and evidence introduced as to the correctness of the findings made by the person making the examination or performing the analysis.

*(Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.)*

**111050.** If the examination or analysis is found to be correct, or if any party fails to appear after notice has been duly given, the health officer may certify the facts found to the district attorney of the county. No publication shall be made until after the hearing is concluded.

*(Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.)*

**111055.** This article shall not be construed as repealing, either directly or by implication, any of the existing sections of this chapter, but shall be construed as constituting an alternative method of enforcing this part.

*(Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.)*

**111060.** This article shall not affect any previous authorization by the department to a local health department of a county, city, or city and county to enforce this part.

*(Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.)*

**111065.** The department may adopt regulations relating to the operation of a local health department as it considers necessary to fully effect this article, including, but not limited to, requirements relating to reporting of activities and the numbers and qualification of personnel.

*(Added by Stats. 1995, Ch. 415, Sec. 6. Effective January 1, 1996.)*