



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

Code:  Section:

[Up^](#) [Add To My Favorites](#)

**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 2. Registration [110460 - 110495]** ( *Article 2 added by Stats. 1995, Ch. 415, Sec. 6. )*

**110460.** No person shall engage in the manufacture, packing, or holding of any processed food in this state unless the person has a valid registration from the department, except those engaged exclusively in the storing, handling, or processing of dried beans. The registration shall be valid for one calendar year from the date of issue, unless it is revoked. The registration shall not be transferable. This section shall not apply to a cottage food operation that is registered or has a permit pursuant to Section 114365 or a microenterprise home kitchen, as defined in Section 113825.

(*Amended by Stats. 2018, Ch. 470, Sec. 2. (AB 626) Effective January 1, 2019.*)

**110461.** It is unlawful for any person to manufacture, pack, or hold processed food in this state unless in a food processing facility duly registered, as provided in this part.

(*Added by renumbering Section 110780 by Stats. 1999, Ch. 915, Sec. 6. Effective January 1, 2000.*)

**110462.** It is unlawful for any person to willfully make a false statement or representation, or knowingly fail to disclose a fact required to be disclosed in the application for registration or renewal of registration, as provided in this article.

(*Added by renumbering Section 110785 by Stats. 1999, Ch. 915, Sec. 7. Effective January 1, 2000.*)

**110465.** A separate registration is required for each place of manufacture, packing, or holding.

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

**110466.** (a) Commencing January 1, 2000, the department shall use the resources provided by the registration fees assessed by this article to inspect new and registered food processing facilities to determine compliance with this part. The department shall target the inspections and adjust their scope, depth, and frequency based on the department's statewide assessment of public health risk potential. In assessing public health risk potential, the department shall consider, at a minimum, the potential and actual health risks associated with processed foods manufactured, packed, or held in this state, and the food safety practices and compliance histories of persons who manufacture, pack, or hold processed foods in this state.

(b) Commencing January 1, 2001, the department, pursuant to this chapter, shall conduct an annual inspection of each registered food processing facility and inspect each new food processing facility prior to issuing a new registration pursuant to Section 110460. This annual inspection requirement may be adjusted or waived based on an assessment of the food processing facility pursuant to subdivision (a).

(c) The department may perform one or more reinspections of each new and registered food processing facility as necessary to prevent repeated or continuing violations of this part and for the purposes of approving the issuance of a new registration. The department shall charge a fee of one hundred dollars (\$100) per hour to cover the costs of performing the reinspections of the same food processing facility within any 12-month period.

(*Amended by Stats. 2005, Ch. 401, Sec. 2. Effective January 1, 2006.*)

**110467.** Any violation of any provision of this part or any regulation adopted pursuant to this part shall be grounds for denying a registration or for suspending or revoking a registration. Proceedings for the denial, suspension, or revocation of a registration shall

be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted in that chapter.

(Added by Stats. 1999, Ch. 915, Sec. 9. Effective January 1, 2000.)

**110469.** (a) A wholesale food manufacturing facility that manufactures products that contain industrial hemp shall be registered in accordance with Section 110460 and shall comply with good manufacturing practices as defined in Section 110105 and as determined by the department in regulation.

(b) Industrial hemp shall not be used in dietary supplements or food products unless the manufacturer demonstrates both of the following:

(1) All parts of the hemp plant used in dietary supplements or food products come from a state or country that has an established and approved industrial hemp program that inspects or regulates hemp under a food safety program or equivalent criteria to ensure safety for human or animal consumption.

(2) The industrial hemp cultivator or grower is in good standing and in compliance with the governing laws of the state or country of origin.

(Added by Stats. 2021, Ch. 576, Sec. 7. (AB 45) Effective October 6, 2021.)

**110470.** A registration application provided by the department shall be completed annually and accompanied by a nonreturnable registration fee.

The fee for a new or renewal registration for a food processing facility shall be as follows:

Holding Food Only:				
_____	Fee	Fee	Fee	Fee
_____	through	commencing	commencing	commencing
_____	12/31/99	01/01/2000	01/01/2001	01/01/2000
_____	_____	through	and	Los Angeles,
_____	_____	12/31/2000	ongoing	Orange, San
_____	_____	_____	_____	Bernardino
_____	_____	_____	_____	Counties and
_____	_____	_____	_____	the City of
_____	_____	_____	_____	Vernon

Size of Facility:					
0–5,000	sq. ft.	\$257.85	\$300	\$300	\$300
5,001–10,000	sq. ft.	257.85	350	400	350
Over 10,000	sq. ft.	386.77	500	600	500

Manufacturing or Packing of Food:				
_____	Fee	Fee	Fee	Fee
_____	through	commencing	commencing	commencing
_____	12/31/99	01/01/2000	01/01/2001	01/01/2000
_____	_____	through	and	Los Angeles,

_____	_____	12/31/2000	ongoing	Orange, San
_____	_____	_____	_____	Bernardino
_____	_____	_____	_____	Counties and
_____	_____	_____	_____	the City of
_____	_____	_____	_____	Vernon

Number of	Size of				
Employees	Facility				
0–2	_____	\$257.85	\$300	\$300	\$300
3–5	0–5,000 sq. ft.	257.85	350	400	350
6–20	0–5,000 sq. ft.	386.77	500	600	500
More than 20	0–5,000 sq. ft.	515.70	700	900	700
3–5	Over 5,000 sq. ft.	257.85	500	600	500
6–20	Over 5,000 sq. ft.	515.70	700	900	700
21–50	Over 5,000 sq. ft.	644.52	935	1,250	850
51–100	Over 5,000 sq. ft.	644.52	985	1,350	850
101–200	Over 5,000 sq. ft.	644.52	1,035	1,450	850
201 or more	Over 5,000 sq. ft.	644.52	1,085	1,550	850

A penalty of 1 percent per month shall be added to any registration fee not paid when due. The fee amount shall be adjusted annually pursuant to Section 100425.

*(Repealed and added by Stats. 1999, Ch. 915, Sec. 11. Effective January 1, 2000.)*

**110471.** (a) Commencing January 1, 2006, the department shall make a one-time 15 percent cost-of-living adjustment to the registration fees established in Section 110470.

(b) Commencing January 1, 2006, every person engaged in the manufacture, packing, or holding of processed food in this state that is subject to the requirements of Part 120 or 123 of Title 21 of the Code of Federal Regulations shall pay two hundred fifty dollars (\$250) in addition to their annual registration fee paid pursuant to Section 110470.

(c) Revenue received pursuant to this section shall be deposited into the Food Safety Fund created by Section 110050.

(d) Upon appropriation, the additional fee deposited in the Food Safety Fund shall be used by the department to conduct inspections and reviews of those facilities required to have Hazard Analysis Critical Control Point (HACCP) plans or Standard Sanitation Operating Procedures (SSOPs).

*(Added by Stats. 2005, Ch. 401, Sec. 3. Effective January 1, 2006.)*

**110472.** The department, in consultation with the California Conference of Directors of Environmental Health (CCDEH), representatives of the food processing industry, representatives of the local health departments of, Los Angeles, Orange, and San Bernardino Counties, and the City of Vernon, and any other person or entity deemed appropriate by the department shall develop, implement, and evaluate the processed food program in accordance with this chapter. In developing the processed food program, consideration shall be given to all aspects of the program provided for in this chapter.

*(Added by Stats. 1999, Ch. 915, Sec. 12. Effective January 1, 2000.)*

**110473.** Notwithstanding the requirements of Section 110470, any person who is required to be registered under this chapter and is operating the food processing facility exclusively for charitable purposes, and meets the requirements of Section 214 of the Revenue and Taxation Code, shall not be required to submit any fees required by Section 110470.

*(Added by Stats. 1999, Ch. 915, Sec. 13. Effective January 1, 2000.)*

**110474.** Nothing in this chapter shall relieve a person who has a valid registration to manufacture, pack, or hold processed food issued by the department from any other requirements for licensure, registration, or certification under Article 7 (commencing with Section 110810), Article 12 (commencing with Section 111070), or Part 6 (commencing with Section 111940). The registration fee due to the department under this article from a person who holds one or more licenses, registrations, or certificates issued by the department pursuant to Article 12 (commencing with Section 111070) or Chapters 5 to 10, inclusive of Part 6 (commencing with Section 112150) shall be the fee for the single highest cost license, registration, or certificate only. Cannery inspection fees collected pursuant to Section 112730 and organic processed food registration fees collected pursuant to Section 110875 shall be in addition to any registration fees that may be collected under this article.

*(Added by Stats. 1999, Ch. 915, Sec. 14. Effective January 1, 2000.)*

**110475.** Any person registered pursuant to this article shall immediately notify the department of any change in the information reported on the registration application.

*(Amended by Stats. 1999, Ch. 915, Sec. 15. Effective January 1, 2000.)*

**110480.** (a) The registration requirements of this article do not apply to a person whose manufacturing, packing, or holding of processed food is limited solely to temporarily holding processed foods for up to seven days for further transport if the foods are not potentially hazardous foods, as defined in Section 110005, or to a person whose manufacturing, packing, or holding of processed food is limited solely to activities authorized by any of the following:

(1) A valid bottled water or water vending machine license issued pursuant to Article 12 (commencing with Section 111070).

(2) A valid pet food license issued pursuant to Chapter 10 (commencing with Section 113025) of Part 6.

(3) A valid permit issued pursuant to Chapter 4 (commencing with Section 113700) of Part 7 to a food facility including a food facility that manufactures, packs, or holds processed food for sale at wholesale, provided the food facility that manufactures, packs, or holds processed food for sale at wholesale does not meet any of the following conditions:

(A) Has gross annual wholesale sales of processed foods of more than 25 percent of total food sales.

(B) Sells processed foods outside the jurisdiction of the local health department.

(C) Sells processed foods that require labeling pursuant to this part.

(D) Processes or handles fresh seafood, frozen seafood held in bulk for further processing, or fresh or frozen raw shellfish.

(E) Salvages processed foods for sale other than at the retail food facility.

(4) A valid cold storage license issued pursuant to Chapter 6 (commencing with Section 112350) of Part 6.

(5) A valid cannery license issued pursuant to Chapter 8 (commencing with Section 112650) of Part 6.

(6) A valid shellfish certificate issued pursuant to Chapter 5 (commencing with Section 112150) of Part 6.

(7) A valid frozen food locker plant license issued pursuant to Chapter 7 (commencing with Section 112500) of Part 6.

(8) A valid beer manufacturer's license, winegrower's license, or wine blender's license pursuant to Division 9 (commencing with Section 23000) of the Business and Professions Code.

(9) A valid milk products plant, margarine, imitation ice cream, imitation ice milk, or a products resembling milk products plant license, issued pursuant to Division 15 (commencing with Section 32501) of the Food and Agricultural Code.

(10) A valid permit issued by a local health department to operate a processing establishment, as defined in Section 111955, that only holds or warehouses processed food, pursuant to Article 1 (commencing with Section 111950) of Chapter 4 of Part 6, provided that all of the following conditions are met:

(A) The warehouse does not manufacture or pack processed food.

(B) The warehouse does not hold fresh seafood, frozen seafood held in bulk for further processing, or fresh or frozen raw shellfish.

(C) The warehouse is not operated as an integral part of a food processing facility required to be registered pursuant to Section 110460.

(D) The warehouse facilities are located entirely within the area under the jurisdiction of the local health department.

(E) The warehouse does not salvage food as the primary business.

(b) An entity that provides food services other than the manufacturing, packing, or holding of processed food is subject to applicable provisions of the California Retail Food Code, as set forth in Part 7 (commencing with Section 113700).

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

*(Amended by Stats. 2019, Ch. 277, Sec. 1. (AB 746) Effective January 1, 2020.)*

**110485.** (a) Every person who is engaged in the manufacture, packing, or holding of processed food in this state shall pay a food safety fee of one hundred dollars (\$100) to the department in addition to any fees paid pursuant to Section 110470.

(b) Revenue received pursuant to this section shall be deposited in the Food Safety Fund created pursuant to Section 110050. A penalty of 10 percent per month shall be added to any food safety fee not paid when due.

(c) Upon appropriation, the food safety fees deposited in the Food Safety Fund shall be used by the department to assist in developing and implementing education and training programs related to food safety. These programs shall be developed in consultation with representatives of the food processing industry. Implementation shall include education and training in the prevention of microbial contamination.

(d) This section does not apply to companies exclusively involved in flour milling, dried bean processing, or in the drying or milling of rice, or to those individual registrants the director determines should not be assessed because substantial economic hardship would result to those registrants. For the purposes of this subdivision, the substantial hardship exemption shall be extended only to registrants whose wholesale gross annual income from the registered business is twenty thousand dollars (\$20,000) or less.

*(Amended by Stats. 2015, Ch. 477, Sec. 1. (AB 384) Effective January 1, 2016.)*

**110490.** (a) A laboratory that performs analyses of foods for pesticide chemical residues for other persons shall be accredited pursuant to Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101. This subdivision shall not apply to any of the following:

(1) A laboratory operated by a government agency.

(2) A laboratory not operated for commercial purposes that performs pesticide chemical residue analysis on foods for research or quality control for the internal use of the person initiating the analysis. For purposes of this section, "commercial purposes" means that the laboratory performs pesticide chemical residue analysis on the foods primarily for the purpose of making a profit.

(b) A laboratory accredited pursuant to Section 12591 of the Food and Agricultural Code shall not be required to be accredited under this section until January 1, 1992.

(c) A laboratory that performs analyses of foods for pesticide chemical residues, but that is not required by subdivision (a) to be accredited may apply for accreditation pursuant to Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101.

(d) This section shall become operative on January 1, 1991, or 60 days after the initial set of regulations adopted pursuant to Sections 100830 and 100835 becomes effective, whichever is later.

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

**110495.** (a) Every laboratory or other person which performs or which brokers or otherwise arranges for the performance of pesticide chemical analysis on food shall report to the appropriate state agency any finding of pesticide chemical residues in a food for which no chemical residue tolerance has been established or that is in excess of federal or state residue tolerances or tolerances for a pesticide suspended, banned, or otherwise not permitted by the Department of Pesticide Regulation or the Environmental Protection Agency, if the food is in the channels of trade. The report shall be made as soon as possible, and in any event, not later than 24 hours after the analyzing laboratory makes the finding. Findings on raw agricultural commodities and dairy products shall be reported to the Department of Food and Agriculture. Findings on raw agricultural commodities shall also be reported to the Department of Pesticide Regulation. Findings on all other foods shall be made to the State Department of Health Services.

(b) For the purpose of reporting findings regarding raw agricultural commodities, "in the channels of trade" means the point at which the raw agricultural commodities leave the farm, including raw agricultural commodities bound for processing up to the point that processing is initiated. For the purpose of reporting findings in processed foods, "in the channels of trade" means at the point the processed food leaves the direct control of the processor, which means either that the product is not located on the premises owned by, or under the control of, the processor or a portion of the product has been released for sale or use.

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