



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 7. CALIFORNIA RETAIL FOOD CODE [113700 - 114437] (Part 7 repealed and added by Stats. 2006, Ch. 23, Sec. 2.)

CHAPTER 12.7. Fishermen's Markets [114378 - 114378.3] (Chapter 12.7 added by Stats. 2015, Ch. 615, Sec. 9.)

114378. A fishermen's market shall meet the applicable requirements of Chapter 1 (commencing with Section 113700), Chapter 2 (commencing with Section 113728), Chapter 3 (commencing with Section 113945), Chapter 4 (commencing with Section 113980), Chapter 5 (commencing with Section 114095), Chapter 6 (commencing with Section 114130), Chapter 7 (commencing with Section 114189), Chapter 8 (commencing with Section 114250), and Chapter 13 (commencing with Section 114380), unless exempted as provided in this chapter.

(Added by Stats. 2015, Ch. 615, Sec. 9. (AB 226) Effective January 1, 2016.)

114378.1. (a) Fish sold in a fishermen's market shall be raw and may be displayed whole, eviscerated, or packaged by an onsite permitted temporary food facility or permitted food facility. A fisherman selling fish in a fishermen's market shall only sell raw edible aquatic plants or fish that the fisherman caught legally, or that was caught by one or two other licensed commercial fishermen. If a fisherman sells fish caught by another licensed commercial fisherman, the fisherman shall provide a copy of that other fisherman's commercial license and contact information upon the request of the enforcement agency.

(b) A fishermen's market may provide a separate service that fillets, cuts, or packages fish for customers who purchase direct sales of fish within the fishermen's market as a temporary food facility, mobile food facility, fishermen's market booth, or other facility approved by the enforcement agency. A separate health permit is required and applicable requirements for that category of permit shall be met.

(c) Fish parts from the day's operations may be used for bait by a licensed commercial fisherman or registered aquaculturist.

(d) Ice used for refrigeration purposes shall not be used for consumption in food or beverages.

(e) Notwithstanding subdivision (b) and Section 113818, raw fish may be eviscerated at a fishermen's market.

(Amended by Stats. 2021, Ch. 155, Sec. 10. (AB 831) Effective January 1, 2022.)

114378.2. A fishermen's market shall meet all of the following requirements:

(a) Each fishermen's market food booth shall post the name of the fisherman, vessel or farm, and acceptable market name of fish sold so they are legible and clearly visible to patrons.

(b) Notwithstanding Section 113953, handwashing facilities for a fishermen's market food booth that operates for three consecutive days or less may include a container capable of providing a continuous stream of water from an approved source that leaves both hands free to allow vigorous rubbing with soap and warm water for 10 to 15 seconds, inclusive. A catch basin shall be provided to collect wastewater, and the wastewater shall be properly disposed of according to Section 114197.

(c) Handwashing facilities shall be equipped with handwashing cleanser and single-use sanitary towels. A separate receptacle shall be available for towel waste.

(d) Notwithstanding Section 114205, potable water shall be available for handwashing and sanitizing as approved by the enforcement agency.

(e) Approved toilet and handwashing facilities shall be available within 200 feet of the premises of a fishermen's market or as approved by the enforcement agency.

(f) All garbage and refuse shall be stored and disposed of in a manner approved by the enforcement agency.

(g) Wastewater shall be disposed of in a facility connected to the public sewer system or in a manner approved by the enforcement agency.

(h) Floors shall be constructed of concrete, asphalt, tight wood, or other similar cleanable material kept in good repair.

(i) Overhead protection shall be provided over the evisceration process, food storage, food display, and warewashing areas. Overhead protection shall be made of wood, canvas, or other materials that protect the facility from precipitation, dust, bird and insect droppings, and other contaminants.

(j) Notwithstanding Section 114095, approved warewashing facilities may be shared if the sink is centrally located and is adjacent to the sharing facilities. The enforcement agency may also approve use of warewashing facilities within a permanent facility if it is located within 200 feet of the premises of the fishermen's market or as approved by the enforcement agency.

(k) Food-related and utensil-related equipment shall be located and installed to prevent food contamination.

(l) During periods of inoperation, food, food equipment, and utensils shall be stored within a fully enclosed facility approved by the enforcement agency, or in approved food compartments where the food, food equipment, and utensils are protected at all times from contamination, exposure to the elements, ingress of rodents or other vermin, and temperature abuse.

(Added by Stats. 2015, Ch. 615, Sec. 9. (AB 226) Effective January 1, 2016.)

114378.3. (a) A permit application and site plan shall be submitted to the enforcement agency at least two weeks prior to the operation of a fishermen's market. Only California-licensed commercial fishermen or an entity representing two or more California-licensed commercial fishermen or California-licensed commercial fishermen and California-registered aquaculturists may act as the responsible person and sole permitholder for a fishermen's market. The site plan shall include all of the following:

(1) A map with proposed locations of the fishermen's market food booths, boundaries of the fishermen's market, restrooms, refuse containers, potable water supply faucets, wastewater disposal facilities, and all shared warewashing and handwashing facilities as applicable.

(2) Details of the materials and methods used to construct the food booths.

(3) Foods that will be handled and dispensed.

(4) Procedures for food handling, food temperature control, refuse management, cleaning and sanitizing utensils and equipment, and cleaning structures and premises.

(5) Procedures for transporting food to and from the fishermen's market and actions taken to prevent contamination.

(6) List of names of licensed commercial fishermen or registered aquaculturists, copies of their licenses or registrations, and a document authorizing the organizer to act as the responsible person and permitholder on their behalf.

(b) A fishermen's market may operate adjacent to, or in conjunction with, a food facility or a community event. In those situations, the fishermen's market is only subject to the limitations and requirements of a fishermen's market. The other food facilities remain subject to the limitations and requirements, including separate permit requirements, that are applicable to the type of facility being operated.

(Added by Stats. 2015, Ch. 615, Sec. 9. (AB 226) Effective January 1, 2016.)