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 CALIFORNIA RETAIL FOOD CODE [113700 - 114437] (Part 7 repealed and added by Stats. 2006, Ch. 23, Sec. 2.)

CHAPTER 13. Compliance and Enforcement [114380 - 114437] (Chapter 13 added by Stats. 2006, Ch. 23, Sec. 2.)

ARTICLE 6. Exemptions [114425 - 114429.5] (Article 6 added by Stats. 2006, Ch. 23, Sec. 2.)

114425. Raw duck that otherwise would be readily perishable shall be exempt from Section 113996 for a period not to exceed two hours, if the duck will subsequently be cooked at or above a temperature of 350°F for at least 60 minutes.

(a) Whole Chinese-style roast duck shall be exempt from Section 113996 for a period not to exceed four hours after the duck is prepared, if the methods used to prepare the food inhibit the growth of microorganisms that can cause food infections or food intoxications. Nothing in this section shall be construed to supersede any provisions of this part, except the provisions specified in this section.

(b) For the purposes of this section, "Chinese-style roast duck" shall include, but not be limited to, Chinese-style barbecue duck, dry hung duck, and Peking duck. "Chinese-style roast duck" means duck which is prepared as follows:

- (1) The abdominal cavity is cleaned.
- (2) The duck is marinated.
- (3) The cavity is closed prior to cooking.
- (4) The duck is roasted at a temperature of 350°F or more for at least 60 minutes.

(Repealed and added by Stats. 2006, Ch. 23, Sec. 2. Effective January 1, 2007. Operative July 1, 2007, by Sec. 3 of Ch. 23.)

114427. The Mercado La Paloma, located at 3655 South Grand Avenue in Los Angeles, operated by Esperanza Community Housing Corporation, which is a public market open only on one side that meets the following criteria, shall be exempt from Section 114266:

- (a) All facilities inside the Mercado La Paloma have overhead protection that extends over all food items.
- (b) All facilities inside the Mercado La Paloma are enclosed on at least two sides.
- (c) All facilities inside the Mercado La Paloma are under the constant and complete control of the operator.
- (d) During periods of inoperation, food, utensils, and related items shall be stored so as to be adequately protected at all times from contamination, exposure to the elements, ingress of vermin, and temperature abuse.
- (e) During all hours of operation, air curtains shall be in operation over all unclosed door openings to the outside to exclude flying pests.

(Added by Stats. 2006, Ch. 23, Sec. 2. Effective January 1, 2007. Operative July 1, 2007, by Sec. 3 of Ch. 23.)

114429. (a) Notwithstanding Sections 113996 and 114343 and if permitted by federal law, a food facility may sell Korean rice cakes that have been at room temperature for no more than 24 hours.

(b) At the end of the operating day, Korean rice cakes that have been at room temperature for no more than 24 hours shall be destroyed in a manner approved by the enforcement agency.

(c) For purposes of this section, a "Korean rice cake" is defined as a confection that contains rice powder, salt, sugar, various edible seeds, oil, dried beans, nuts, dried fruits, and dried pumpkin. The ingredient shall not include any animal fats or any other products

derived from animals.

(d) All manufacturers of Korean rice cakes shall place a label on the Korean rice cake as prescribed by Section 111223.

(Added by Stats. 2006, Ch. 23, Sec. 2. Effective January 1, 2007. Operative July 1, 2007, by Sec. 3 of Ch. 23.)

114429.3. (a) Notwithstanding Sections 113996 and 114343 and if permitted by federal law, a food facility may sell Vietnamese rice cakes that have been at no more than 70 degrees Fahrenheit for no more than 24 hours.

(b) Vietnamese rice cakes that have been at no more than 70 degrees Fahrenheit but have been stored for more than 24 hours shall be destroyed in a manner approved by the enforcement agency.

(c) All Vietnamese rice cakes shall bear a label meeting the requirements of Section 111223.

(Added by Stats. 2016, Ch. 193, Sec. 4. (SB 969) Effective January 1, 2017.)

114429.5. (a) Notwithstanding Sections 113996 and 114343, and if permitted by federal law, a food facility may sell Asian rice-based noodles that have been kept at room temperature for no more than four hours.

(b) Asian rice-based noodles that have been kept at room temperature shall be consumed or cooked within four hours of the date and time labeled on the product. Asian rice-based noodles that have been kept at room temperature shall be segregated for destruction from other Asian rice-based noodles in a manner approved by the local enforcement agency after four hours of the date and time labeled on the product.

(c) At the end of the operating day, Asian rice-based noodles that have been kept at room temperature for more than four hours shall be destroyed in a manner approved by the local enforcement agency.

(d) (1) For purposes of this section, an "Asian rice-based noodle" means a rice-based pasta that contains rice powder, water, wheat starch, vegetable cooking oil, and optional ingredients to modify the pH or water activity, or to provide a preservative effect. The ingredients shall not include any animal fats or any other products derived from animals. An Asian rice-based noodle is prepared by using a traditional method that includes cooking by steaming at not less than 130 degrees Fahrenheit, for not less than four minutes.

(2) If the Asian rice-based noodles maintain a pH of not more than 4.6, as measured at a temperature of 76 degrees Fahrenheit, a water activity of 0.85 or below, or have been determined by the department to be a nonpotentially hazardous food based on formulation and supporting laboratory documentation submitted to the department by the manufacturer, the restrictions provided in subdivisions (a) to (c), inclusive, shall not apply to the Asian rice-based noodles.

(Amended by Stats. 2012, Ch. 658, Sec. 3. (SB 1465) Effective January 1, 2013.)