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AB-1461 Food facility employee: food handler cards. (2017-2018)

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ENROLLED SEPTEMBER 05, 2017
PASSED IN SENATE AUGUST 31, 2017
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AMENDED IN ASSEMBLY MAY 30, 2017
AMENDED IN ASSEMBLY APRIL 17, 2017
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CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL

NO. 1461

Introduced by Assembly Member Thurmond

February 17, 2017

An act to add Chapter 11.2 (commencing with Section 114364) to Part 7 of Division 104 of the Health and Safety Code, relating to food.

LEGISLATIVE COUNSEL'S DIGEST

AB 1461, Thurmond. Food facility employee: food handler cards.

(1) Existing law, the California Retail Food Code, establishes uniform health and sanitation standards for, and provides for regulation by the State Department of Public Health of, retail food facilities, and requires local health agencies to enforce these provisions. The code defines food facility to mean an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level, and includes, among others, public and private school cafeterias, and excludes, among others, private homes. The code requires a food handler to obtain a food handler card, as specified, and to maintain the card for the duration of his or her employment as a food handler. A person who violates any provision of the code is guilty of a misdemeanor, except as otherwise provided.

This bill would require an employee of a food facility that is a business organized for profit that offers meal subscription plans, as defined, who is a food handler to obtain a food handler card in accordance with the requirements described above. By imposing duties on local officials and creating a new crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 11.2 (commencing with Section 114364) is added to Part 7 of Division 104 of the Health and Safety Code, to read:

CHAPTER 11.2. Food Facility Employee

114364. (a) An employee of a food facility, as defined in Section 113789, and that is also a business organized for profit that offers meal subscription plans, who is a food handler, as defined in Section 113790, and who also works in whole or in part with unpackaged food, shall obtain a food handler card in accordance with Section 113948.

(b) Nothing in this section shall be construed to require an employee of or an independent contractor who provides services to an online website or mobile application or service that is not a food facility and that enables individuals to place food delivery orders from food facilities, including, but not limited to, retail restaurants or grocery stores, to obtain a food handler card pursuant to subdivision (a).

(c) Nothing in this section shall change the classification of an independent contractor.

(d) For purposes of this section, "meal subscription plan" means a subscription-based meal delivery service that provides customers with original recipes and preportioned ingredients needed to prepare those recipes at home.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.