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AB-2524 California Retail Food Code. (2017-2018)

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Assembly Bill No. 2524

CHAPTER 493

An act to amend Sections 113789, 113818, 113843, 113846, 114143, 114294, and 114335 of, to add Sections 113739.1 and 113806.1 to, to add Chapter 10.1 (commencing with Section 114328) to Part 7 of Division 104 of, and to repeal Chapter 12.6 (commencing with Section 114377) of Part 7 of Division 104 of, the Health and Safety Code, relating to the California Retail Food Code.

[Approved by Governor September 18, 2018. Filed with Secretary of State September 18, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2524, Wood. California Retail Food Code.

Existing law, the California Retail Food Code, establishes uniform health and sanitation standards for retail food facilities for regulation by the State Department of Public Health, and requires local enforcement agencies to enforce those provisions. Existing law defines "food facility" as an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level, as specified. Existing law defines "limited food preparation" for the purposes of the code. A violation of the California Retail Food Code is generally a misdemeanor.

This bill would include a catering operation and a host facility within the definition of a food facility. The bill would define "catering operation" as a food service that is conducted by a permanent food facility approved for food preparation where food is served, or limited food preparation is conducted, at a location other than its permitted location, whether as part of a contracted offsite food service event or when operating in conjunction with a host facility with direct food sales. The bill would define "host facility" as a facility located in a brewery, winery, or commercial building, or another location as approved by the local enforcement agency, that meets applicable requirements to support a catering operation, as specified, and that has a permit pursuant to specified provisions.

The bill would impose various requirements on a catering operation relating to food safety, storage, transportation, and other circumstances, and would require the catering operation to submit to the enforcement agency written standard operating procedures and, upon request, records for its offsite food services activities, with specified information. The bill would impose various requirements on a host facility relating to, among other things, the plan review process, which includes a list of catering operations that will be supported by the host facility, among other information. The bill would authorize the enforcement agency to establish additional structural or operational requirements, as specified, to ensure the sanitary operation of a host facility.

The bill would also include a catering operation as an authorized food facility for purposes of certain provisions relating to an open-air barbecue and an outdoor wood-burning oven.

The bill would include the holding, portioning, or dispensing of foods by a catering operation for a host facility within, and exclude the handling, manufacturing, freezing, processing, or packaging of specified milk, milk products, or products resembling milk products from, the definition of "limited food preparation."

Existing law requires every food facility to maintain on the premises the label for any food or food additive that is, or includes, any fat, oil, or shortening, as specified, and prohibits any food containing artificial trans fat from being stored, distributed, or served by, or used in the preparation of any food within, a food facility.

This bill would repeal those provisions and make technical, conforming changes.

By imposing new duties on local officials and expanding the scope of a crime, this bill would impose a state-mandated local program.

This bill would incorporate additional changes to Section 113789 of the Health and Safety Code proposed by AB 626 and AB 2178 to be operative only if this bill and AB 626, this bill and AB 2178, or all 3 bills are enacted and this bill is enacted last.

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. Section 113739.1 is added to the Health and Safety Code, to read:

113739.1. (a) "Catering operation" means a food service that is conducted by a permanent food facility approved for food preparation where food is served, or limited food preparation is conducted, at a location other than its permitted location, in either of the following circumstances:

- (1) As part of a contracted offsite food service event.
- (2) When operating in conjunction with a host facility with direct food sales.

(b) "Catering operation" shall not include either of the following:

- (1) Food ordered as takeout or delivery from a food facility, where the food is provided to the consumer for self-service.
- (2) A food facility that is participating as part of a community event.

SEC. 2. Section 113789 of the Health and Safety Code is amended to read:

113789. (a) "Food facility" means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level, including, but not limited to, the following:

- (1) An operation where food is consumed on or off the premises, regardless of whether there is a charge for the food.
- (2) A place used in conjunction with the operations described in this subdivision, including, but not limited to, storage facilities for food-related utensils, equipment, and materials.

(b) "Food facility" includes permanent and nonpermanent food facilities, including, but not limited to, the following:

- (1) Public and private school cafeterias.
- (2) Restricted food service facilities.
- (3) Licensed health care facilities, except as provided in paragraph (12) of subdivision (c).
- (4) Commissaries.
- (5) Mobile food facilities.
- (6) Mobile support units.
- (7) Temporary food facilities.

(8) Vending machines.

(9) Certified farmers' markets, for purposes of permitting and enforcement pursuant to Section 114370.

(10) Farm stands, for purposes of permitting and enforcement pursuant to Section 114375.

(11) Fishermen's markets.

(12) Catering operation.

(13) Host facility.

(c) "Food facility" does not include any of the following:

(1) A cooperative arrangement wherein no permanent facilities are used for storing or handling food.

(2) A private home, including a cottage food operation that is registered or has a permit pursuant to Section 114365.

(3) A church, private club, or other nonprofit association that gives or sells food to its members and guests, and not to the general public, at an event that occurs not more than three days in any 90-day period.

(4) A for-profit entity that gives or sells food at an event that occurs not more than three days in a 90-day period for the benefit of a nonprofit association, if the for-profit entity receives no monetary benefit, other than that resulting from recognition from participating in an event.

(5) Premises set aside for wine tasting, as that term is used in Section 23356.1 of the Business and Professions Code, or premises set aside by a beer manufacturer, as defined in Section 25000.2 of the Business and Professions Code, and in the regulations adopted pursuant to those sections, that comply with Section 118375, regardless of whether there is a charge for the wine or beer tasting, if no other beverage, except for bottles of wine or beer and prepackaged nonpotentially hazardous beverages, is offered for sale or for onsite consumption and no food, except for crackers, pretzels, or prepackaged food that is not potentially hazardous food is offered for sale or for onsite consumption.

(6) An outlet or location, including, but not limited to, premises, operated by a producer, selling or offering for sale only whole produce grown by the producer or shell eggs, or both, provided the sales are conducted at an outlet or location controlled by the producer.

(7) A commercial food processing establishment, as defined in Section 111955.

(8) A child day care facility, as defined in Section 1596.750.

(9) A community care facility, as defined in Section 1502.

(10) A residential care facility for the elderly, as defined in Section 1569.2.

(11) A residential care facility for the chronically ill, which has the same meaning as a residential care facility, as defined in Section 1568.01.

(12) (A) An intermediate care facility for the developmentally disabled, as defined in subdivisions (e), (h), and (m) of Section 1250, with a capacity of six beds or fewer.

(B) A facility described in subparagraph (A) shall report any foodborne illness or outbreak to the local health department and to the State Department of Public Health within 24 hours of the illness or outbreak.

(13) A community food producer, as defined in Section 113752.

SEC. 2.1. Section 113789 of the Health and Safety Code is amended to read:

113789. (a) "Food facility" means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level, including, but not limited to, the following:

(1) An operation where food is consumed on or off the premises, regardless of whether there is a charge for the food.

(2) A place used in conjunction with the operations described in this subdivision, including, but not limited to, storage facilities for food-related utensils, equipment, and materials.

(b) "Food facility" includes permanent and nonpermanent food facilities, including, but not limited to, the following:

(1) Public and private school cafeterias.

- (2) Restricted food service facilities.
- (3) Licensed health care facilities, except as provided in paragraph (12) of subdivision (c).
- (4) Commissaries.
- (5) Mobile food facilities.
- (6) Mobile support units.
- (7) Temporary food facilities.
- (8) Vending machines.
- (9) Certified farmers' markets, for purposes of permitting and enforcement pursuant to Section 114370.
- (10) Farm stands, for purposes of permitting and enforcement pursuant to Section 114375.
- (11) Fishermen's markets.
- (12) Microenterprise home kitchen operations.
- (13) Catering operation.
- (14) Host facility.

(c) "Food facility" does not include any of the following:

- (1) A cooperative arrangement wherein no permanent facilities are used for storing or handling food.
- (2) A private home when used for private, noncommercial purposes or when used as a cottage food operation that is registered or has a permit pursuant to Section 114365.
- (3) A church, private club, or other nonprofit association that gives or sells food to its members and guests, and not to the general public, at an event that occurs not more than three days in any 90-day period.
- (4) A for-profit entity that gives or sells food at an event that occurs not more than three days in a 90-day period for the benefit of a nonprofit association, if the for-profit entity receives no monetary benefit, other than that resulting from recognition from participating in an event.
- (5) Premises set aside for wine tasting, as that term is used in Section 23356.1 of the Business and Professions Code, or premises set aside by a beer manufacturer, as defined in Section 25000.2 of the Business and Professions Code, and in the regulations adopted pursuant to those sections, that comply with Section 118375, regardless of whether there is a charge for the wine or beer tasting, if no other beverage, except for bottles of wine or beer and prepackaged nonpotentially hazardous beverages, is offered for sale or for onsite consumption and no food, except for crackers, pretzels, or prepackaged food that is not potentially hazardous food is offered for sale or for onsite consumption.
- (6) An outlet or location, including, but not limited to, premises, operated by a producer, selling or offering for sale only whole produce grown by the producer or shell eggs, or both, provided the sales are conducted at an outlet or location controlled by the producer.
- (7) A commercial food processing establishment, as defined in Section 111955.
- (8) A child day care facility, as defined in Section 1596.750.
- (9) A community care facility, as defined in Section 1502.
- (10) A residential care facility for the elderly, as defined in Section 1569.2.
- (11) A residential care facility for the chronically ill, which has the same meaning as a residential care facility, as defined in Section 1568.01.
- (12) (A) An intermediate care facility for the developmentally disabled, as defined in subdivisions (e), (h), and (m) of Section 1250, with a capacity of six beds or fewer.

(B) A facility described in subparagraph (A) shall report any foodborne illness or outbreak to the local health department and to the State Department of Public Health within 24 hours of the illness or outbreak.

(13) A community food producer, as defined in Section 113752.

SEC. 2.2. Section 113789 of the Health and Safety Code is amended to read:

113789. (a) "Food facility" means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level, including, but not limited to, the following:

- (1) An operation where food is consumed on or off the premises, regardless of whether there is a charge for the food.
- (2) A place used in conjunction with the operations described in this subdivision, including, but not limited to, storage facilities for food-related utensils, equipment, and materials.

(b) "Food facility" includes permanent and nonpermanent food facilities, including, but not limited to, the following:

- (1) Public and private school cafeterias.
- (2) Restricted food service facilities.
- (3) Licensed health care facilities, except as provided in paragraph (12) of subdivision (c).
- (4) Commissaries.
- (5) Mobile food facilities.
- (6) Mobile support units.
- (7) Temporary food facilities.
- (8) Vending machines.
- (9) Certified farmers' markets, for purposes of permitting and enforcement pursuant to Section 114370.
- (10) Farm stands, for purposes of permitting and enforcement pursuant to Section 114375.
- (11) Fishermen's markets.
- (12) Catering operation.
- (13) Host facility.

(c) "Food facility" does not include any of the following:

- (1) A cooperative arrangement wherein no permanent facilities are used for storing or handling food.
- (2) A private home, including a cottage food operation that is registered or has a permit pursuant to Section 114365.
- (3) A church, private club, or other nonprofit association that gives or sells food to its members and guests, and not to the general public, at an event that occurs not more than three days in any 90-day period.
- (4) A for-profit entity that gives or sells food at an event that occurs not more than three days in a 90-day period for the benefit of a nonprofit association, if the for-profit entity receives no monetary benefit, other than that resulting from recognition from participating in an event.
- (5) Premises set aside for wine tasting, as that term is used in Section 23356.1 of the Business and Professions Code, or premises set aside by a beer manufacturer, as defined in Section 25000.2 of the Business and Professions Code, and in the regulations adopted pursuant to those sections, that comply with Section 118375, regardless of whether there is a charge for the wine or beer tasting, if no other beverage, except for bottles of wine or beer and prepackaged nonpotentially hazardous beverages, is offered for sale or for onsite consumption and no food, except for crackers, pretzels, or prepackaged food that is not potentially hazardous food is offered for sale or for onsite consumption.
- (6) An outlet or location, including, but not limited to, premises, operated by a producer, selling or offering for sale only whole produce grown by the producer or shell eggs, or both, provided the sales are conducted at an outlet or location controlled by the producer.
- (7) A commercial food processing establishment, as defined in Section 111955.
- (8) A child day care facility, as defined in Section 1596.750.
- (9) A community care facility, as defined in Section 1502.

(10) A residential care facility for the elderly, as defined in Section 1569.2.

(11) A residential care facility for the chronically ill, which has the same meaning as a residential care facility, as defined in Section 1568.01.

(12) (A) An intermediate care facility for the developmentally disabled, as defined in subdivisions (e), (h), and (m) of Section 1250, with a capacity of six beds or fewer.

(B) A facility described in subparagraph (A) shall report any foodborne illness or outbreak to the local health department and to the State Department of Public Health within 24 hours of the illness or outbreak.

(13) A community food producer, as defined in Section 113752.

(14) A limited service charitable feeding operation, as defined in Section 113819.

SEC. 2.3. Section 113789 of the Health and Safety Code is amended to read:

113789. (a) "Food facility" means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level, including, but not limited to, the following:

(1) An operation where food is consumed on or off the premises, regardless of whether there is a charge for the food.

(2) A place used in conjunction with the operations described in this subdivision, including, but not limited to, storage facilities for food-related utensils, equipment, and materials.

(b) "Food facility" includes permanent and nonpermanent food facilities, including, but not limited to, the following:

(1) Public and private school cafeterias.

(2) Restricted food service facilities.

(3) Licensed health care facilities, except as provided in paragraph (12) of subdivision (c).

(4) Commissaries.

(5) Mobile food facilities.

(6) Mobile support units.

(7) Temporary food facilities.

(8) Vending machines.

(9) Certified farmers' markets, for purposes of permitting and enforcement pursuant to Section 114370.

(10) Farm stands, for purposes of permitting and enforcement pursuant to Section 114375.

(11) Fishermen's markets.

(12) Microenterprise home kitchen operations.

(13) Catering operation.

(14) Host facility.

(c) "Food facility" does not include any of the following:

(1) A cooperative arrangement wherein no permanent facilities are used for storing or handling food.

(2) A private home when used for private, noncommercial purposes or when used as a cottage food operation that is registered or has a permit pursuant to Section 114365.

(3) A church, private club, or other nonprofit association that gives or sells food to its members and guests, and not to the general public, at an event that occurs not more than three days in any 90-day period.

(4) A for-profit entity that gives or sells food at an event that occurs not more than three days in a 90-day period for the benefit of a nonprofit association, if the for-profit entity receives no monetary benefit, other than that resulting from recognition from participating in an event.

(5) Premises set aside for wine tasting, as that term is used in Section 23356.1 of the Business and Professions Code, or premises set aside by a beer manufacturer, as defined in Section 25000.2 of the Business and Professions Code, and in the regulations adopted pursuant to those sections, that comply with Section 118375, regardless of whether there is a charge for the wine or beer tasting, if no other beverage, except for bottles of wine or beer and prepackaged nonpotentially hazardous beverages, is offered for sale or for onsite consumption and no food, except for crackers, pretzels, or prepackaged food that is not potentially hazardous food is offered for sale or for onsite consumption.

(6) An outlet or location, including, but not limited to, premises, operated by a producer, selling or offering for sale only whole produce grown by the producer or shell eggs, or both, provided the sales are conducted at an outlet or location controlled by the producer.

(7) A commercial food processing establishment, as defined in Section 111955.

(8) A child day care facility, as defined in Section 1596.750.

(9) A community care facility, as defined in Section 1502.

(10) A residential care facility for the elderly, as defined in Section 1569.2.

(11) A residential care facility for the chronically ill, which has the same meaning as a residential care facility, as defined in Section 1568.01.

(12) (A) An intermediate care facility for the developmentally disabled, as defined in subdivisions (e), (h), and (m) of Section 1250, with a capacity of six beds or fewer.

(B) A facility described in subparagraph (A) shall report any foodborne illness or outbreak to the local health department and to the State Department of Public Health within 24 hours of the illness or outbreak.

(13) A community food producer, as defined in Section 113752.

(14) A limited service charitable feeding operation, as defined in Section 113819.

SEC. 3. Section 113806.1 is added to the Health and Safety Code, to read:

113806.1. "Host facility" means a facility located in a brewery, winery, commercial building, or another location as approved by the local enforcement agency, that meets applicable requirements to support a catering operation that provides food directly to individual consumers for a limited period of time, up to four hours, in any one 12-hour period and that has a permit pursuant to Section 114328.1. "Host facility" does not include the premises described in paragraph (5) of subdivision (c) of Section 113789.

SEC. 4. Section 113818 of the Health and Safety Code is amended to read:

113818. (a) "Limited food preparation" means food preparation that is restricted to one or more of the following:

(1) Heating, frying, baking, roasting, popping, shaving of ice, blending, steaming or boiling of hot dogs, or assembly of nonprepackaged food.

(2) Dispensing and portioning of nonpotentially hazardous food.

(3) Holding, portioning, and dispensing of any foods that are prepared for satellite food service by the onsite permanent food facility or prepackaged by another approved source.

(4) Holding, portioning, and dispensing of any foods that are prepared by a catering operation for a host facility.

(5) Slicing and chopping of food on a heated cooking surface during the cooking process.

(6) Cooking and seasoning to order.

(7) Juicing or preparing beverages that are for immediate service, in response to an individual consumer order, that do not contain frozen milk products.

(b) "Limited food preparation" does not include any of the following:

(1) Slicing and chopping unless it is on the heated cooking surface.

(2) Thawing.

(3) Cooling of cooked, potentially hazardous food.

(4) Grinding raw ingredients or potentially hazardous food.

(5) Reheating of potentially hazardous foods for hot holding, except for steamed or boiled hot dogs and tamales in the original, inedible wrapper.

(6) Except as authorized in paragraph (3) of subdivision (a), hot holding of nonprepackaged, potentially hazardous food, except for roasting corn on the cob, steamed or boiled hot dogs, and tamales in the original, inedible wrapper.

(7) Washing of foods.

(8) Cooking of potentially hazardous foods for later use.

(9) Handling, manufacturing, freezing, processing, or packaging of milk, milk products, or products resembling milk products subject to licensing under Division 15 (commencing with Section 32501) of the Food and Agricultural Code.

SEC. 5. Section 113843 of the Health and Safety Code is amended to read:

113843. "Open-air barbecue" means a piece of equipment designed for barbecuing food, where the food is prepared out of doors by cooking directly over hot coals, heated lava, hot stones, gas flame, or other method approved by the department, on equipment suitably designed and maintained for use out of doors, that is operated by a temporary food facility, a catering operation, or a mobile food facility that remains fixed during hours of operations at a community event or a permanent food facility.

SEC. 6. Section 113846 of the Health and Safety Code is amended to read:

113846. "Outdoor wood-burning oven" means an oven located out of doors, that utilizes wood as the primary fuel for cooking and is operated on the same premises as, and in conjunction with, a permanent food facility or a catering operation.

SEC. 7. Section 114143 of the Health and Safety Code is amended to read:

114143. Notwithstanding any of the provisions of this part, neither the department nor any city, county, city and county air pollution control district, or air quality management district shall require the enclosure of an open-air barbecue or outdoor wood-burning oven if the enforcement officer determines that the barbecue or wood-burning oven meets all of the following requirements:

(a) The open-air barbecue or outdoor wood-burning oven is operated on the same premises as, in reasonable proximity to, and in conjunction with, a permanent food facility that is approved for food preparation, a temporary food facility or a mobile food facility that is operating at a community event, or a catering operation. The permitholder of the permanent food facility, temporary food facility, mobile food facility, or catering operation shall be deemed to be the permitholder of the open-air barbecue or outdoor wood-burning oven, and shall be responsible for ensuring that it is operated in full compliance with this part.

(b) The open-air barbecue or outdoor wood-burning oven is not operated in, or out of, any motor vehicle, or in any area or location that may constitute a fire hazard, as determined by the enforcement officer.

(c) The open-air barbecue or outdoor wood-burning oven is separated from public access to prevent food contamination or injury to the public by using ropes or other approved methods.

(d) If the open-air barbecue or outdoor wood-burning oven is a permanent structure, it shall be equipped with an impervious and easily cleanable floor surface that extends a minimum of five feet from the open-air barbecue or outdoor wood-burning oven facility on all open sides.

(e) Sanitary facilities, including, but not limited to, toilet facilities and handwashing facilities shall be available for use within 200 feet in travel distance of the open-air barbecue or outdoor wood-burning oven and shall comply with all provisions of this part.

SEC. 8. Section 114294 of the Health and Safety Code is amended to read:

114294. (a) All mobile food facilities and mobile support units shall meet the applicable requirements in Chapter 1 (commencing with Section 113700) to Chapter 8 (commencing with Section 114250), inclusive, and Chapter 13 (commencing with Section 114380), unless specifically exempted from any of these provisions, as provided in this chapter.

(b) The enforcement agency shall initially approve all mobile food facilities and mobile support units as complying with the provisions of this chapter and may require reapproval if deemed necessary.

(c) Each mobile food facility that is either a special purpose commercial modular and coach, as defined by Section 18012.5, or a commercial modular coach, as defined by Section 18001.8, shall be certified by the Department of Housing and Community

Development, consistent with Chapter 4 (commencing with Section 18025) of Part 2 of Division 13 and regulations promulgated pursuant to that chapter. The enforcement agency shall approve all equipment installation prior to operation.

SEC. 9. Chapter 10.1 (commencing with Section 114328) is added to Part 7 of Division 104 of the Health and Safety Code, to read:

CHAPTER 10.1. Catering Operations and Host Facilities

114328. (a) A catering operation shall meet the applicable requirements in Chapters 1 (commencing with Section 113700) to 8 (commencing with Section 114250), inclusive, and Chapter 13 (commencing with Section 114380), unless specifically exempted from any of those provisions. For purposes of this chapter, a catering operation refers to a permanent food facility approved for offsite food service activities.

(b) A catering operation shall operate from a permitted food facility that is capable of supporting the proposed food service activity to be conducted, and the type of food that is to be prepared offsite or served.

(c) Prior to conducting catering operations, the catering operation shall submit to the enforcement agency written standard operating procedures that include all of the following information:

(1) The manner in which food will be transported to and from the permanent food facility and the offsite food service location or host facility and procedures to prevent contamination of the food.

(2) The type of food that is to be prepared or served, and the extent of limited food preparation, as defined in Section 113818, that is to be conducted at an offsite food service event.

(3) The manner in which potentially hazardous food will be maintained in accordance with Section 113996.

(4) Procedures, methods, and schedules for cleaning utensils, equipment, and structures, and for the disposal of refuse.

(5) The manner in which hands will be washed to ensure compliance with Section 113953.

(d) Food shall be transported in a vehicle that meets the requirements of Section 113982.

(e) A catering operation may conduct limited food preparation, as defined in Section 113818, at an offsite location when approved by the enforcement agency.

(f) All food, prior to offsite food service, shall be stored and prepared at the permanent food facility.

(g) While operating offsite, the catering operation shall provide the name of the facility, city, state, ZIP Code, and the name of the operator to any consumer or enforcement agency upon request.

(h) A catering operation shall maintain records for all offsite food service activities for 90 days after each event. The catering operation shall provide those records to the enforcement agency upon request and shall include all of the following information:

(1) Location, date, and time of offsite food service activity.

(2) Customer name and contact information, including address, email address, and phone number.

(3) Whether food was delivered to a customer or served to a guest at a catered function or host facility.

(4) Departure and arrival food temperature logs for transportation, and corrective action taken if the food arrived out of temperature.

(5) Complete menu of food provided.

(i) A catering operation shall ensure that it has access to potable water at any offsite function, or shall bring an adequate supply of potable water with it to that function.

(j) For offsite food service where a catering operation is serving the food, the person in charge on behalf of the catering operation shall ensure that basic food safety is maintained at all times, including, but not limited to, all of the following:

(1) Protecting the food from contamination during service.

(2) Providing overhead protection over all food handling areas.

(3) Providing utensils for individual use and eliminating the use of community dipping containers where consumers could dip a utensil or a food item they have already placed in their mouth.

(4) Preventing consumers' used plates or utensils from returning to the self-service display.

(5) Replacing utensils that become contaminated with clean and sanitized utensils.

(6) Ensuring open or potentially hazardous foods not consumed or sold by the catering operation are discarded, unless the food was held at required temperatures and protected from contamination at all times.

(7) Discarding any food that has become contaminated or is suspected of becoming contaminated, or that is presumed unsafe because temperatures were not maintained as required by Section 113996.

(k) Utensils used to serve food shall meet all of the following conditions:

(1) Meet the requirements of Chapter 6 (commencing with Section 114130).

(2) Be stored in the food with the handle extended out of the food, on a clean surface, or in a clean container.

(3) Be replaced every four hours or sooner if observed to be mishandled by the guest, dropped, or otherwise contaminated during the serving process.

(l) Notwithstanding Section 113953, adequate handwashing facilities shall be provided at the offsite food service event.

(m) Approved toilet and handwashing facilities shall be available within 200 feet of the offsite food service operation or as approved by the enforcement agency.

(n) All garbage and refuse generated during offsite food service activities and cleanup operations shall be disposed of in a manner approved by the enforcement agency.

(o) All liquid waste shall be disposed of through the approved plumbing system in a manner approved by the enforcement agency.

(p) A catering operation shall not store any food, beverages, equipment, utensils, or food items in a private home when not conducting offsite catering activities.

(q) The enforcement agency may establish additional structural or operational requirements, or both, based on the proposed facility method of operation and as necessary to ensure compliance with the requirements of this chapter.

114328.1. (a) A host facility shall meet the applicable requirements in Chapter 1 (commencing with Section 113700), Chapter 2 (commencing with Section 113728), all general food safety requirements described in Chapter 4 (commencing with Section 113980), Chapter 6 (commencing with Section 114130), and Sections 114049, 114250, 114266, 114381, 114387, 114390, 114393, 114395, 114397, 114399, 114405, 114407, 114409, 114411, and 114413.

(b) In addition to any permit required of a permanent food facility or a catering operation, a permit shall be obtained by the person responsible for operating the host facility.

(c) A permit application shall be submitted to the enforcement agency pursuant to Article 1 (commencing with Section 114380) of Chapter 13. The plan review process shall include all of the following:

(1) Submission of a site plan that indicates the location of the food service operation, handwashing sinks and restrooms, refuse containers, and waste water disposal facilities.

(2) Specifications of equipment that will be provided by the host facility to support the catering operation.

(3) Standard operating procedures that include all of the following information:

(A) Procedures, methods, and schedules for cleaning equipment and structures, and for the disposal of refuse.

(B) How potentially hazardous food will be maintained in accordance with Section 113996.

(4) A list of catering operations that will be supported by the host facility with proposed menus.

(5) The enforcement agency may establish additional structural or operational requirements, or both, based on the proposed facility method of operation to ensure the sanitary operation of a host facility.

(d) A host facility may support a catering operation for up to four hours in any one 12-hour period, unless otherwise approved by the enforcement agency.

(e) All food, soiled utensils, equipment, tableware, and linen shall be returned to the catering operation for cleaning, sanitizing, and storage.

(f) Approved toilet and handwashing facilities shall be available within 200 feet in travel distance of the food service operation.

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

SEC. 10. Section 114335 of the Health and Safety Code is amended to read:

114335. (a) Temporary food facilities that operate at a swap meet are limited to only prepackaged nonpotentially hazardous food and whole uncut produce, and shall meet the applicable requirements in Chapter 1 (commencing with Section 113700) to Chapter 8 (commencing with Section 114250), inclusive, and Chapter 13 (commencing with Section 114380), unless specifically exempted from any of these provisions.

(b) Temporary food facilities that operate at a community event shall meet the applicable requirements in Chapter 1 (commencing with Section 113700) to Chapter 8 (commencing with Section 114250), inclusive, and Chapter 13 (commencing with Section 114380), unless specifically exempted from any of these provisions.

(c) Food facility requirements shall be determined by the enforcement agency based on the food service activity to be conducted, the type of food that is to be prepared or served, the length of the event, and the extent of food preparation that is to be conducted at a community event within a temporary food facility.

(d) Notwithstanding subdivision (a), the enforcement agency may allow temporary food facilities at a swap meet, depending on the food service activity to be conducted, the type of food that is to be prepared or served, the duration of the swap meet, and the extent of food preparation that is to be conducted at the swap meet.

SEC. 11. Chapter 12.6 (commencing with Section 114377) of Part 7 of Division 104 of the Health and Safety Code is repealed.

SEC. 12. (a) Section 2.1 of this bill incorporates amendments to Section 113789 of the Health and Safety Code proposed by both this bill and Assembly Bill 626. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 113789 of the Health and Safety Code, (3) Assembly Bill 2178 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after Assembly Bill 626, in which case Sections 2, 2.2, and 2.3 of this bill shall not become operative.

(b) Section 2.2 of this bill incorporates amendments to Section 113789 of the Health and Safety Code proposed by both this bill and Assembly Bill 2178. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 113789 of the Health and Safety Code, (3) Assembly Bill 626 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after Assembly Bill 2178, in which case Sections 2, 2.1, and 2.3 of this bill shall not become operative.

(c) Section 2.3 of this bill incorporates amendments to Section 113789 of the Health and Safety Code proposed by this bill, Assembly Bill 626, and Assembly Bill 2178. That section of this bill shall only become operative if (1) all three bills are enacted and become effective on or before January 1, 2019, (2) all three bills amend Section 113789 of the Health and Safety Code, and (3) this bill is enacted after Assembly Bill 626 and Assembly Bill 2178, in which case Sections 2, 2.1, and 2.2 of this bill shall not become operative.

SEC. 13. 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.