



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

AB-3336 Third-party food delivery platforms: food safety. (2019-2020)

SHARE THIS:  

Date Published: 09/21/2020 09:00 PM

Assembly Bill No. 3336

CHAPTER 105

An act to amend Section 113982 of, and to add Section 113930.5 to, the Health and Safety Code, relating to food.

[Approved by Governor September 18, 2020. Filed with Secretary of State September 18, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

AB 3336, Carrillo. Third-party food delivery platforms: food safety.

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, as defined, and requires local health agencies to enforce these provisions. Existing law provides specified standards for the transportation of food, including, among others, the requirement for all food to be transported so as to be pure and free from adulteration and spoilage, and the requirement for potentially hazardous food to be maintained at the required holding temperatures, except as specified. A person who violates any provision of the code is guilty of a misdemeanor, except as otherwise provided.

This bill would require ready-to-eat food delivered through a third-party food delivery platform, as defined, to be transported in a manner in which the ready-to-eat food is protected from contamination, as specified, and would require all bags or containers in which ready-to-eat foods are being transported or delivered from a food facility to a customer through a third-party food delivery platform to be closed by the food facility with a tamper-evident method prior to the food deliverer taking possession of the food. The bill would authorize enforcement officers to recover reasonable costs in enforcing those requirements. The bill would exempt from the bag or container requirement food transported as part of a charitable feeding program and food that is being donated to a food bank. By imposing duties on local officials and creating a new crime, the bill would impose a state-mandated local program.

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 113930.5 is added to the Health and Safety Code, to read:

113930.5. "Third-party food delivery platform" means a business engaged in the service of online food ordering and delivery from a food facility to a consumer. For purposes of this section, a food facility does not include a grocery store, as defined in Section 113948, or a room, building, or place or portion thereof, excluding a restaurant, used to sell to a customer primarily the following products: fresh produce, meat, poultry, fish, deli products, dairy products, perishable beverages, baked foods, and prepared foods.

SEC. 2. Section 113982 of the Health and Safety Code is amended to read:

113982. (a) Except as specified in subdivision (b), food shall be transported in a manner that meets the following requirements:

- (1) The interior floor, sides, and top of the food holding area shall be constructed of a smooth, washable, impervious material capable of withstanding frequent cleaning.
- (2) The food holding area shall be constructed and operated so that no liquid wastes can drain onto any street, sidewalk, or premises.
- (3) Except as provided in subdivision (a) of Section 113996, potentially hazardous food shall be maintained at the required holding temperatures.

(b) (1) Ready-to-eat food delivered through a third-party food delivery platform shall be transported in a manner that meets all of the following requirements:

- (A) The interior floor, sides, and top of the food holding area shall be clean and capable of withstanding frequent cleaning.
- (B) Ready-to-eat food shall be protected from contamination in accordance with Section 113980.
- (C) The food shall be maintained at holding temperature necessary to prevent spoilage.

(2) All bags or containers in which ready-to-eat foods are being transported or delivered from a food facility to a customer through a third-party food delivery platform shall be closed by the food facility with a tamper-evident method prior to the food deliverer, who transports and delivers ready-to-eat food for the third-party food delivery platform, taking possession of the ready-to-eat food.

(3) Enforcement officers may recover from a third-party food delivery platform reasonable costs that are associated with the enforcement of this section against food deliverers who transport and deliver ready-to-eat food for the third-party food delivery platform.

(c) (1) This section shall not apply to the transportation of prepackaged nonpotentially hazardous foods.

(2) Paragraph (2) of subdivision (b) shall not apply to food transported as part of a charitable feeding program or food being donated to a food bank, as defined in Section 113783.

SEC. 3. 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.