

**ASSEMBLY BILL**

**No. 708**

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**Introduced by Assembly Member Bill Campbell**

February 22, 2001

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An act to amend Section 113996 of, and to add Section 113998 to, the Health and Safety Code, relating to retail food facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 708, as introduced, Bill Campbell. Retail food facilities: internal food temperatures.

Existing law, the California Uniform Retail Food Facilities Law, provides for the regulation of health and sanitation standards for retail food facilities by the State Department of Health Services. Violation of any of these provisions is a crime. Under existing law, pork shall be heated to an internal temperature of 68 degrees C (155 degrees F), and foods containing certain raw or incompletely cooked animal tissues that are heated in a microwave, shall be heated at a minimum internal temperature of at least 14 degrees C (25 degrees F).

This bill would instead require pork to be heated to an internal temperature of 63 degrees C (145 degrees F), and would require microwaved foods containing raw or incompletely cooked animal tissues to be heated to an internal temperature of 74 degrees C (165 degrees F).

This bill would require that when any potential hazardous food, as defined, that has been cooked and cooled, is reheated by a food facility, for the purpose of immediate serving or hot holding, it shall be reheated to a minimum internal temperature of 74 degrees C (165 degrees F).

By changing existing requirements and creating a new crime, this 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 no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 113996 of the Health and Safety Code  
2 is amended to read:

3 113996. (a) All ready-to-eat foods prepared at the food  
4 facility from raw or incompletely cooked animal tissues shall be  
5 thoroughly cooked prior to serving. For purposes of this  
6 subdivision, food shall be deemed to be thoroughly cooked if it  
7 conforms to the following requirements, except as specified in  
8 subdivision (b):

9 (1) Comminuted meat or any food containing comminuted  
10 meat shall be heated to a minimum internal temperature of 69  
11 degrees Celsius (157 degrees Fahrenheit), or an optional internal  
12 temperature of 68 degrees Celsius (155 degrees Fahrenheit) for 15  
13 seconds.

14 (2) Eggs and foods containing raw eggs shall be heated to a  
15 minimum internal temperature of 63 degrees Celsius (145 degrees  
16 Fahrenheit).

17 (3) Pork shall be heated to a minimum internal temperature of  
18 ~~68 degrees Celsius (155 degrees Fahrenheit)~~ *63 degrees Celsius*  
19 *(145 degrees Fahrenheit)*.

20 (4) Poultry, comminuted poultry, stuffed fish, stuffed meat,  
21 stuffed poultry, and any food stuffed with fish, meat, or poultry  
22 shall be heated to a minimum internal temperature of 74 degrees  
23 Celsius (165 degrees Fahrenheit).

24 (b) When foods containing raw or incompletely cooked animal  
25 tissues specified in this section are prepared in a microwave oven,  
26 they shall be heated at a minimum internal temperature of at least  
27 ~~14 degrees Celsius (25 degrees Fahrenheit)~~ *74 degrees Celsius (165*  
28 *degrees Fahrenheit)* above the minimum temperatures specified in  
29 subdivision (a). During microwaving, the food shall be completely



1 enclosed in a container and periodically stirred or rotated to assure  
2 even heat distribution. Upon the completion of microwaving, the  
3 enclosed food shall be left standing for a minimum of two minutes  
4 to assure temperature equilibrium. This subdivision does not apply  
5 to the heating of ready-to-eat cooked foods or the defrosting of  
6 food items.

7 (c) A ready-to-eat salad dressing or sauce containing a raw or  
8 less-than-thoroughly cooked egg as an ingredient, and other  
9 ready-to-eat foods made from or containing eggs, comminuted  
10 meat, or single pieces of meat (including beef, veal, lamb, pork,  
11 poultry, fish, and seafood) that are raw or have not been thoroughly  
12 cooked as provided in subdivision (a) may be served if either of the  
13 following requirements are met:

14 (1) The consumer specifically orders that the food be  
15 individually prepared less than thoroughly cooked.

16 (2) The food facility notifies the consumer, orally or in writing,  
17 at the time of ordering, that the food is raw or less than thoroughly  
18 cooked.

19 (d) The department shall authorize alternative time and  
20 temperature minimum heating requirements to thoroughly cook  
21 the foods identified in this section when the food facility or person  
22 demonstrates to the department that the alternative heating  
23 requirements provide an equivalent level of food safety.

24 (e) For purposes of this section, “meat” means the tissue of  
25 animals used as food, including beef, veal, lamb, pork, and other  
26 edible animals, except eggs, fish, and poultry, that is offered for  
27 human consumption.

28 (f) It is the intent of the Legislature that the requirements of this  
29 section be uniformly enforced. The department shall train and  
30 provide guidance to local health departments to promote uniform  
31 enforcement of the requirements specified in this section.

32 SEC. 2. Section 113998 is added to the Health and Safety  
33 Code, to read:

34 113998. Whenever any potentially hazardous food, as defined  
35 in Section 113845, that has been cooked and cooled is thereafter  
36 reheated by a food facility, for the purpose of immediate serving  
37 or hot holding, it shall be reheated to a minimum internal  
38 temperature of 74 degrees Celsius (165 degrees Fahrenheit).

39 SEC. 3. No reimbursement is required by this act pursuant to  
40 Section 6 of Article XIII B of the California Constitution because



1 the only costs that may be incurred by a local agency or school  
2 district will be incurred because this act creates a new crime or  
3 infraction, eliminates a crime or infraction, or changes the penalty  
4 for a crime or infraction, within the meaning of Section 17556 of  
5 the Government Code, or changes the definition of a crime within  
6 the meaning of Section 6 of Article XIII B of the California  
7 Constitution.

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