

AMENDED IN ASSEMBLY APRIL 3, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**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 amended, 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~~ *potentially* hazardous food, as defined, that has been *prepared*, cooked, ~~and~~ cooled, *and* 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).

*The bill would also require that when any potentially hazardous food, as defined, is taken from a commercially processed, hermetically sealed container or other intact package from a regulated food processing plant and is thereafter heated by a food facility for hot holding, the minimum internal temperature would be at least 60 degrees C (140 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 63 degrees Celsius (145 degrees Fahrenheit).



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

5 (b) When foods containing raw or incompletely cooked animal  
6 tissues specified in this section are prepared in a microwave oven,  
7 they shall be heated at a minimum internal temperature of at least  
8 74 degrees Celsius (165 degrees Fahrenheit) ~~above the minimum~~  
9 ~~temperatures specified in subdivision (a)~~. During microwaving,  
10 the food shall be completely enclosed in a container and  
11 periodically stirred or rotated to assure even heat distribution.  
12 Upon the completion of microwaving, the enclosed food shall be  
13 left standing for a minimum of two minutes to assure temperature  
14 equilibrium. This subdivision does not apply to the heating of  
15 ready-to-eat cooked foods or the defrosting of food items.

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

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

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

28 (d) The department shall authorize alternative time and  
29 temperature minimum heating requirements to thoroughly cook  
30 the foods identified in this section when the food facility or person  
31 demonstrates to the department that the alternative heating  
32 requirements provide an equivalent level of food safety.

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

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



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

3 113998. (a) Whenever any potentially hazardous food, as  
4 defined in Section 113845, that has been ~~cooked~~ prepared, cooked,  
5 and cooled by a food facility is thereafter reheated by a that food  
6 facility, for ~~the purpose of immediate serving or~~ hot holding, it  
7 shall be reheated to a minimum internal temperature of 74 degrees  
8 Celsius (165 degrees Fahrenheit).

9 (b) Whenever any potentially hazardous ready-to-eat food is  
10 taken from a commercially processed, hermetically sealed  
11 container, or from an intact package from a food processing plant  
12 that is inspected by the food regulatory authority in the jurisdiction  
13 in which the plant is located, is thereafter heated by a food facility,  
14 that food shall be heated to a temperature of at least 60 degrees  
15 Celsius (140 degrees Fahrenheit) for hot holding.

16 SEC. 3. No reimbursement is required by this act pursuant to  
17 Section 6 of Article XIII B of the California Constitution because  
18 the only costs that may be incurred by a local agency or school  
19 district will be incurred because this act creates a new crime or  
20 infraction, eliminates a crime or infraction, or changes the penalty  
21 for a crime or infraction, within the meaning of Section 17556 of  
22 the Government Code, or changes the definition of a crime within  
23 the meaning of Section 6 of Article XIII B of the California  
24 Constitution.

