

AMENDED IN SENATE AUGUST 7, 2012

AMENDED IN SENATE JULY 2, 2012

AMENDED IN SENATE MAY 1, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1427

Introduced by Assembly Member Solorio

March 22, 2011

An act to amend Section 114099.6 of the Health and Safety Code, relating to food.

LEGISLATIVE COUNSEL'S DIGEST

AB 1427, as amended, Solorio. Food facilities: sanitization.

Existing law, the California Retail Food Code, requires all food facilities in which food is prepared, or in which multiservice utensils and equipment are used, to provide manual methods to effectively clean and sanitize utensils, as specified. Existing law requires manual sanitization to be accomplished in a number of prescribed ways, including the application of sanitizing chemicals by immersion, manual swabbing, or brushing, using specified solutions. The law requires the State Department of Public Health to implement and administer those provisions, and delegates primary enforcement duties to local health agencies. A violation of these provisions is a misdemeanor.

This bill would authorize manual sanitization to be accomplished by immersion, manual swabbing, or brushing, using a chemical sanitizer that meets specified requirements, including compliance with specified federal laws and regulations. By *adding a new, permissible method of manual sanitization, and thereby* increasing the *enforcement* duties of local officials, this bill would impose a state-mandated local program.

By expanding the definition of a 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

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 114099.6 of the Health and Safety Code
- 2 is amended to read:
- 3 114099.6. Manual sanitization shall be accomplished in the
- 4 final sanitizing rinse by one of the following:
- 5 (a) Immersion for at least 30 seconds where the water
- 6 temperature is maintained at 171 degrees Fahrenheit or above.
- 7 (b) The application of sanitizing chemicals by immersion,
- 8 manual swabbing, or brushing, using one of the following
- 9 solutions:
- 10 (1) Contact with a solution of 100 ppm available chlorine
- 11 solution for at least 30 seconds.
- 12 (2) Contact with a solution of 25 ppm available iodine for at
- 13 least one minute.
- 14 (3) Contact with a solution of 200 ppm quaternary ammonium
- 15 for at least one minute.
- 16 (4) Contact with a chemical sanitizer generated by a device
- 17 located onsite at the food facility that meets all of the following
- 18 requirements:
- 19 (A) Complies with the Federal Insecticide, Fungicide, and
- 20 Rodenticide Act (7 U.S.C. Sec. 136 et seq.).

1 (B) Complies with federal device requirements as specified in
2 Section 152.500 of Title 40 of the Code of Federal Regulations,
3 and federal labeling requirements as specified in Section 156.10
4 of Title 40 of the Code of Federal Regulations.

5 (C) Displays the United States Environmental Protection Agency
6 device manufacturing facility registration number on the device.

7 (D) Is operated and maintained in accordance with
8 manufacturer’s instructions, and good manufacturing practices as
9 specified in Part 110 of Title 21 of the Code of Federal Regulations.

10 (5) Contact with any chemical sanitizer that meets the
11 requirements of Section 180.940 of Title 40 of the Code of Federal
12 Regulations when used in accordance with the manufacturer’s use
13 directions.

14 (c) Other methods approved by the enforcement agency.

15 ~~SEC. 2. If the Commission on State Mandates determines that~~
16 ~~this act contains costs mandated by the state, reimbursement to~~
17 ~~local agencies and school districts for those costs shall be made~~
18 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
19 ~~4 of Title 2 of the Government Code.~~

20 *SEC. 2. No reimbursement is required by this act pursuant to*
21 *Section 6 of Article XIII B of the California Constitution because*
22 *a local agency or school district has the authority to levy service*
23 *charges, fees, or assessments sufficient to pay for the program or*
24 *level of service mandated by this act or because costs that may be*
25 *incurred by a local agency or school district will be incurred*
26 *because this act creates a new crime or infraction, eliminates a*
27 *crime or infraction, or changes the penalty for a crime or*
28 *infraction, within the meaning of Section 17556 of the Government*
29 *Code, or changes the definition of a crime within the meaning of*
30 *Section 6 of Article XIII B of the California Constitution.*