

ASSEMBLY BILL

No. 1076

**Introduced by Assembly Member Mayes
(Coauthor: Assembly Member Brough)**

February 27, 2015

An act to amend Section 113789 of the Health and Safety Code, relating to food facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1076, as introduced, Mayes. Food facilities: snack bars.

Existing law, the California Retail Food Code, establishes uniform health and sanitation standards for retail food facilities, as defined. Existing law exempts certain facilities from the definition of food facility, including 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 3 days in any 90-day period.

This bill would exempt from the definition of food facility a snack bar run by a nonprofit charitable organization if food sale or distribution is limited to prepackaged, labeled, nonpotentially hazardous food, including, but not limited to, candy, chips, prepackaged cookies, and canned beverages, and to limited food preparation or handling of unpackaged foods, including popcorn, cookies, snowcones, churros, doughnuts, nachos, hot dogs, chili, coffee, or hot chocolate.

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

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

SECTION 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 (13) 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.

(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

1 monetary benefit, other than that resulting from recognition from
2 participating in an event.

3 (5) Premises set aside for wine tasting, as that term is used in
4 Section 23356.1 of the Business and Professions Code and in the
5 regulations adopted pursuant to that section, that comply with
6 Section 118375, regardless of whether there is a charge for the
7 wine tasting, if no other beverage, except for bottles of wine and
8 prepackaged nonpotentially hazardous beverages, is offered for
9 sale for onsite consumption and no food, except for crackers, is
10 served.

11 (6) Premises operated by a producer, selling or offering for sale
12 only whole produce grown by the producer or shell eggs, or both,
13 provided the sales are conducted on premises controlled by the
14 producer.

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

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

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

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

21 (11) A residential care facility for the chronically ill, which has
22 the same meaning as a residential care facility, as defined in Section
23 1568.01.

24 (12) Premises set aside by a beer manufacturer, as defined in
25 Section 25000.2 of the Business and Professions Code, that comply
26 with Section 118375, for the purposes of beer tasting, regardless
27 of whether there is a charge for the beer tasting, if no other
28 beverage, except for beer and prepackaged nonpotentially
29 hazardous beverages, is offered for sale for onsite consumption,
30 and no food, except for crackers, pretzels, or prepackaged food
31 that is not potentially hazardous food is offered for onsite
32 consumption.

33 (13) (A) An intermediate care facility for the developmentally
34 disabled, as defined in subdivisions (e), (h), and (m) of Section
35 1250, with a capacity of six beds or fewer.

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

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

- 1 (15) *A snack bar run by a nonprofit charitable organization*
2 *that meets either of the following:*
3 (A) *Food sale or distribution is limited to prepackaged, labeled,*
4 *nonpotentially hazardous food, including, but not limited to, candy,*
5 *chips, prepackaged cookies, and canned beverages.*
6 (B) *In addition to food sale or distribution authorized pursuant*
7 *to subparagraph (A), food sales include limited food preparation*
8 *or handling of unpackaged foods, including popcorn, cookies,*
9 *snowcones, churros, doughnuts, nachos, hot dogs, chili, coffee, or*
10 *hot chocolate.*