



COUNTY OF NEVADA COMMUNITY DEVELOPMENT AGENCY

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New Food-related Bills

- AB 626,
Microenterprise
Home Kitchens
- SB 946, Sidewalk
Vending
- AB 1884, Single use
straws
- SB 1192, Children's
meals
- AB 2178,
Charitable Feeding
- AB 2524, Catering
Host Permits

Consumer Protection Program

Updates to the California Retail Food Code

The California Legislature was very busy in the food arena this past year. Six (6) bills related to food were passed and became effective on January 1, 2019. The bills are summarized for you below, with the link to the full bill language. The bills refer to local enforcement agency as the Environmental Health (EH) division in Nevada County.

**If you have questions, you may contact the Consumer Protection unit at
(530) 265-1222**

AB 626, Microenterprise Home Kitchens

A new definition is included in the California Retail Food Code (CalCode). "**Microenterprise home kitchen operation**" is a home kitchen operation" that is operated by a resident in a private home where food is stored, handled, and prepared for, and may be served to consumers. The microenterprise home kitchen operation is:

- limited to no more than one full-time equivalent food employee
- has no more than \$50,000 in verifiable gross annual sales.
- required to submit to (EH) written standard operating procedures with information, including all food types or products that will be handled, and the times of operation.

- The microenterprise home kitchen operations generally are associated with an internet food service intermediary (company) which generates their customers through the internet.

The "Internet food service intermediary" shall:

- Be registered with the California Department of Public Health (CDPH),
- Clearly and conspicuously post on its Internet Web site or mobile application the requirements for the permitting of a microenterprise.
- Submit the name and permit number of a microenterprise home kitchen operation to EH if it receives, 3 or more unrelated individual food safety or hygiene complaints in a calendar year.

*Nevada County has **not** developed an ordinance to allow the operation of microenterprise home kitchen operations at this time.*

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB626

The governing body of a city or county, or city and county, has to authorize, by ordinance or resolution, the permitting of microenterprise home kitchen operations.

Environmental Health Division

SB 946, Sidewalk Vending

Local authorities would be prohibited from regulating sidewalk vendors, except when the requirements are directly related to objective health, safety, or welfare concerns. Sidewalk street vendors would **not** be restricted to operate within specific parts of the public right-of-way or within designated neighborhood or areas.

Local authority could prohibit sidewalk vendors in areas located within the immediate vicinity of a permitted certified farmers' market and a permitted swap meet and restrict or prohibit sidewalk vendors within the immediate vicinity of an area designated for a temporary special permit.

Permits are required from Environmental Health for all food related sales. Encroachment permits may also be required from your applicable local planning jurisdiction.

AB 1884, Single use straws

A full-service restaurant shall not provide single-use plastic straws to a consumer unless requested by the consumer.

“Full-service restaurant” means an establishment with the primary business purpose of serving food, where food may be consumed on the premises, and where all of the following actions are taken by an employee of the establishment:

- The consumer is escorted or assigned to an assigned seating area. The employee may choose the assigned seating area or may seat the consumer according to the consumer’s need for accommodation or other request.

- The consumer’s food and beverage orders are taken after the consumer has been seated at the assigned seating area.
- The food and beverage orders are delivered directly to the consumer.
- Any requested items associated with the consumer’s food or beverage order are brought to the consumer.
- The check is delivered directly to the consumer at the assigned seating area.

This bill will apply only to full service restaurants.

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1884

SB 1192, Children’s meals

A restaurant that sells a children’s meal that includes a beverage, shall make the default beverage one of the following:

- Water, sparkling water, or flavored water,
- Unflavored milk,
- A nondairy milk alternative.

A restaurant would not be prohibited from selling, or a customer’s ability to purchase, an alternative beverage if the purchaser requests one.

A **“children’s meal”** means a combination of food items and a beverage, or a single food item and a beverage, sold together at a single price, primarily intended for consumption by a child.

“Default beverage” means the beverage automatically included or offered as part of a children’s meal, absent a specific request by the purchaser of the children’s meal for an alternative beverage.

The Legislature supports parents’ effort to feed their children nutritiously by ensuring healthy beverages are the de- fault options in children’s meals in restaurants.

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB1192

AB 2178, Charitable Feeding

Limited service charitable feeding operations will be exempt from the definition of food facility. **“Limited service charitable feeding operation”** is an operation for food service to a consumer solely for providing charity, that is conducted by a nonprofit charitable organization and whose food service is limited to any of the following:

1. Storage and distribution of whole, uncut produce, or of prepackaged, non-potentially hazardous foods in their original manufacturer’s packaging.
2. Heating, portioning, or assembly of a small volume of commercially prepared foods or ingredients.
3. Reheating or portioning of only commercially prepared foods with no further processing, for purposes of hot holding and same-day food service to the customer.

4. Storage and distribution of commercially prepared and commercially packaged potentially hazardous cold or frozen foods for distribution to the consumer.

These operations shall:

- register with EH.
- comply with general food safety requirements
- comply with approved best management practices
- limit food service to no more than 4 hours per day if outdoors

*A limited service charitable feeding operation performing only #1 or #4 above (and operating in conjunction with a food bank) is exempt from registration and CalCode requirements.

AB 2524, Catering Host Permits

The CalCode definition of food facility will include “Catering operation” and “Host facility”. A “catering operation” is a food service that is conducted by a permanent food facility approved for food preparation where food is served, or limited food preparation is conducted, at a location other than its permitted location, whether as part of a contracted offsite food service event or when operating in conjunction with a host facility with direct food sales.

Catering operation requirements:

- Food safety, storage, transportation, and other circumstances,
- Submittal of written standard operating procedures to EH
- Submittal of records for its offsite food services activities, upon request

A “host facility” is a facility located in a brewery, winery, or commercial building, or another location as approved by EH, that meets applicable requirements to support a catering operation, as specified, and that has a permit pursuant to specified provisions.

Host facility requirements:

- Plan submittal, which includes a list of catering operations that will be supported by the host facility.
- Additional structural or operational requirements established by EH to ensure the sanitary operation of a host facility

The bill would include the holding, portioning, or dispensing of foods by a catering operation for a host facility within, and exclude the handling, manufacturing, freezing, processing, or packaging of specified milk, milk products, or products resembling milk products from, the definition of limited food preparation.”

The food facility definition is expanded to include food service at wineries and breweries. Rather than an expansion, this might be a “legalization” of what is already happening.

Recent Laws

Consumer Advisory

The California Retail Food Code (CalCode) Section 114093 requires a "**Consumer Advisory**" for animal foods, including beef, eggs, fish, lamb, milk, pork, poultry, or shellfish served or sold raw, undercooked, or without otherwise being processed to eliminate pathogens, either in ready-to-eat form or as an ingredient in another ready-to-eat food.

The "**Consumer Advisory**" shall include a **DISCLOSURE** *and* a **REMINDER**

- I. A **DISCLOSURE** is a clearly written statement that includes either:
 - a. A description of the animal-derived foods, such as "oysters on the half shell (raw oysters)", "raw-egg Caesar salad" and "hamburger (can be cooked to order)." or
 - b. Animal derived foods marked by an asterisk (*) directing to a footnote that states that the items are served raw or undercooked, or contain or may contain raw or undercooked ingredients.
2. A **REMINDER** is a written statement that identifies the animal-derived foods by an asterisk that marks a footnote that includes either of the following disclosure statements:
 - a. Written information regarding the safety of these food items is available upon request.
 - b. Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions.

Disclosure and reminder statements must be provided using brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written means.

Food Allergens



California Retail Food Code (CalCode) section 113947 requires the person in charge shall comply with both of the following:

(1) **Have adequate knowledge of major food allergens**, foods identified as major food allergens, and the symptoms that a major food allergen could cause in a sensitive individual who has an allergic reaction.

(2) **Educate the employees at the food facility** regarding the information described in paragraph (1), which the person in charge may elect to accomplish by, among other methods, using a poster or job aid to which the employee can refer.

CalCode section 113820.5 defines "major food allergens" as:

- Milk
- Eggs
- Fish, including, but not limited to, bass, flounder, and cod
- Crustacean shellfish, including, but not limited to, crab, lobster, and shrimp
- Tree nuts, including, but not limited to, almonds, pecans, and walnuts
- Wheat
- Peanuts
- Soybeans
- A food ingredient that contains protein derived from any of the above listed foods