

CALIFORNIA RETAIL FOOD CODE

Excerpt from California Health and Safety Code Effective October 11, 2009

CHAPTER 2. Definitions

113755

"*Community event*" means an event that is of civic, political, public, or educational nature, including state and county fairs, city festivals, circuses, and other public gathering events approved by the local enforcement agency.

113842

"*Nonprofit charitable temporary food facilities*" means either one of the following:

- a) A temporary food facility, as defined in Section 113930, that is conducted by a nonprofit charitable organization, as defined in Section 113841.
- b) An established club or organization of students that operates under the authorization of a school or other educational facility.

113930

"*Temporary food facility*" means a food facility approved by the enforcement officer that operates at a fixed location for the duration of an approved community event or at a swap meet and only as a part of the community event or swap meet.

CHAPTER 11 - Temporary Food Facilities 114335

Temporary food facilities that operate at a swap meet are limited to only prepackaged nonpotentially hazardous food and whole uncut produce, and shall meet the applicable requirements in Chapters 1 to 8, inclusive, and Chapter 13, unless specifically exempted from any of these provisions.

- a) Temporary food facilities that operate at a community event shall meet the applicable requirements in Chapters 1 to 8, inclusive, and Chapter 13, unless specifically exempted from any of these provisions.
- b) Food facility requirements shall be determined by the enforcement agency based on the food service activity to be conducted, the type of food that is to be prepared or served, the length of the event, and the extent of food preparation that is to be conducted at a community event within a temporary food facility.
- c) Notwithstanding subdivision (a), the enforcement agency may allow temporary food facilities at a swap meet, depending on the food service activity to be conducted, the type of food that is to be prepared or served, the duration of the swap meet, and the extent of food preparation that is to be conducted at the swap meet.

114337

The name of the facility, city, state, ZIP Code, and name of the operator shall be legible and clearly visible to patrons. The facility name shall be in letters at least three inches high, and shall be of a color contrasting with the surface on which it is posted. Letters and numbers for the city, state, and ZIP Code, may not be less than one inch in height.

114339

- a) No home canned or home processed foods shall be permitted within a temporary food facility.
- b) Notwithstanding subdivision (a), nonpotentially hazardous beverages and baked goods may be offered for sale, sold, or given away by a nonprofit charitable organization or by an established

club or organization that operates under the authorization of a school or educational facility for fundraising purposes at community events.

114341

- a) Notwithstanding Section 113984, all food preparation at a community event shall be conducted within the temporary food facility or other approved food facility.
- b) Barbecues, grills or other equipment approved for outdoor cooking may be located adjacent to the temporary food facility if local building and fire codes prohibit cooking inside the temporary food facility.
- c) Grills and barbecues or other approved cooking equipment shall be separated from public access by using ropes or other approved methods to prevent contamination of the food and injury to the public.

114343

- a) Except as otherwise provided in Section 113996, during operating hours of the temporary food facility, potentially hazardous food may be held at a temperature not to exceed 45°F for up to 12 hours in any 24-hour period.
- b) At the end of the operating day, potentially hazardous food that is held at 45°F shall be destroyed in a manner approved by the enforcement agency.
- c) At the end of the operating day, potentially hazardous food that is held at or above 135°F shall be destroyed in a manner approved by the enforcement officer.

114345

Temporary food facilities may include a staffed counter that serves hot and cold beverages and ice that are not potentially hazardous food and that are dispensed from approved bulk dispensing units

114347

Temporary food facilities that handle nonprepackaged food shall provide floors constructed of concrete, asphalt, tight wood, or other similar cleanable material kept in good repair.

114349

- a) Temporary food facilities shall be equipped with overhead protection for all food preparation, food storage, and warewashing areas. Overhead protection shall be made of wood, canvas, or other materials that protect the facility from precipitation, dust, bird and insect droppings, and other contaminants.
- b) Temporary food facilities that handle nonprepackaged food must also protect food from contamination in all of the following ways:
 - 1) Enclosure of the food facility with 16 mesh per square inch screens.
 - 2) Limiting display and handling of nonprepackaged food in food compartments.
 - 3) Other effective means approved by the enforcement officer.
- c) Notwithstanding Section 113984, this section does not apply to temporary food facilities that are approved for limited food preparation if flying insects, vermin, birds, and other pests are absent due to the location of the facility or other limiting conditions.

114351

Notwithstanding Section 114095, a warewashing sink may be shared by no more than four temporary food facilities that handle nonprepackaged food if the sink is centrally located and is adjacent to the sharing facilities.

114353

A temporary food facility shall provide only single-use articles for use by the consumer.

114354

- a) Food-related and utensil-related equipment used in conjunction with a temporary food facility shall be approved by the enforcement agency.
- b) Cold and hot holding equipment shall be provided to insure proper temperature control during transportation, storage, and operation of the temporary food facility.
- c) Equipment shall be located and installed to prevent food contamination.

114355

Ice used for refrigeration purposes shall not be used for consumption in food or beverages.

114356

- a) Notwithstanding Section 114047, during periods of operation, supplies and nonpotentially hazardous food, in unopened containers may be stored adjacent to the temporary food facility or in unopened containers in an approved nearby temporary storage unit. An "unopened container" means a factory sealed container that has not been previously opened and that is suitably constructed to be resistant to contamination from moisture, dust, insects, and rodents.
- b) During periods of inoperation, food shall be stored within a fully enclosed temporary food facility, within a permanent food facility or other facility approved by the enforcement agency, or in approved food compartments where the food is protected at all times from contamination, exposure to the elements, ingress of rodents and other vermin, and temperature abuse.

114358

- a) Notwithstanding Section 113953, handwashing facilities for temporary food facilities that operate for three days or less may include a container capable of providing a continuous stream of water from an approved source that leaves both hands free to allow vigorous rubbing with soap and warm water for 10 to 15 seconds, inclusive.
- b) Temporary food facilities that handle only prepackaged food and comply with Section 113952 shall not be required to provide a handwashing facility, except as required in Section 114359.
- c) A catch basin shall be provided to collect wastewater, and the wastewater shall be properly disposed of according to Section 114197.
- d) Handwashing facilities shall be equipped with handwashing cleanser and single-use sanitary towels.
- e) A separate receptacle shall be available for towel waste.

114359

- a) At least one toilet facility for each 15 employees shall be provided within 200 feet of each temporary food facility.
- b) Each toilet facility shall be provided with approved handwashing facilities.

114361

Temporary food facilities that operate for more than one day shall be cleaned and serviced by methods approved by the enforcement agency.

114363

Based upon local environmental conditions, location, and other similar factors, the enforcement officer may establish additional structural or operational requirements, or both, as necessary to ensure that foods are of a safe and sanitary quality.

114332

This article governs sanitation requirements for nonprofit charitable temporary food facilities.

114332.1

Nonprofit charitable temporary food facilities may operate up to four times annually. These four time periods shall not exceed 72 hours each.

114332.2

- a) Except where all food and beverage is prepackaged, handwashing, and utensil washing facilities approved by the enforcement officer shall be provided within nonprofit charitable temporary food facilities.
- b) Facilities for the sanitary disposal of all liquid waste shall be subject to the approval of the enforcement officer.
- c) At least one toilet facility for each 15 employees shall be provided within 60 meters (200 feet) of each nonprofit charitable temporary food facility.
- d) Food contact surfaces shall be smooth, easily cleanable, and nonabsorbent.

114332.3

- a) No potentially hazardous food or beverage stored or prepared in a private home may be offered for sale, sold, or given away from a nonprofit charitable temporary food facility. Potentially hazardous food shall be prepared in a food establishment or on the premises of a nonprofit charitable temporary food facility.
- b) All food and beverage shall be protected at all times from unnecessary handling and shall be stored, displayed, and served so as to be protected from contamination.
- c) Potentially hazardous food and beverage shall be maintained at or below 7 degrees Celsius (45 degrees Fahrenheit) or at or above 57.2 degrees Celsius (135 degrees Fahrenheit) at all times.
- d) Ice used in beverages shall be protected from contamination and shall be maintained separate from ice used for refrigeration purposes.
- e) All food and food containers shall be stored off the floor on shelving or pallets located within the facility.
- f) Smoking is prohibited in nonprofit charitable temporary food facilities.
- g) Regulations on Animals are the following:
 1. Except as provided in paragraph (2), live animals, birds, or fowl shall not be kept or allowed in nonprofit charitable temporary food facilities.
 2. Paragraph (1) does not prohibit the presence, in any room where food is served to the public, guests, or patrons, of a guide dog, signal dog, or service dog, as defined by Section 54.1 of the Civil Code, accompanied by a totally or partially blind person, deaf person, person whose hearing is impaired, or handicapped person, or dogs

accompanied by persons licensed to train guide dogs for the blind pursuant to Chapter 9.5 (commencing with Section 7200) of Division 3 of the Business and Professions Code.

3. Paragraph (1) does not apply to dogs under the control of uniformed law enforcement officers or of uniformed employees of private patrol operators and operators of a private patrol service who are licensed pursuant to Chapter 11.5 (commencing with Section 7580) of Division 3 of the Business and Professions Code, while these employees are acting within the course and scope of their employment as private patrol persons.
 4. The persons and operators described in paragraphs (2) and (3) are liable for any damage done to the premises or facilities by the dog.
 5. The dogs described in paragraphs (2) and (3) shall be excluded from food preparation and utensil wash areas. Aquariums and aviaries shall be allowed if enclosed so as not to create a public health problem.
- h) All garbage shall be disposed of in a sanitary manner.
- i) Employees preparing or handling food shall wear clean clothing and shall keep their hands clean at all times.

The enforcement officer may establish additional structural or operational requirements as necessary to ensure that food is of a safe and sanitary quality.

Open-air barbecue facilities may be operated adjacent to nonprofit charitable temporary food facilities, and shall be subject to the requirements of Article 9 (commencing with Section 114185).

114332.7

Nothing in this article shall prevent a local enforcement agency from performing inspections of, or requiring permits for, any nonprofit charitable temporary food facility to ensure compliance with food safety provisions contained in this chapter.