

AB 1252 CalCode Changes Effective January 1, 2014

#	CalCode SECTION	TEXT CHANGES AND EXPLANATION OF CHANGES MADE TO THE SECTION
1	113758 Cottage Food Operation AMENDMENT	<p>“Direct sale” means a transaction within the state between a cottage food operation operator and a consumer...</p> <p><i>-Adds the words “within the state” to the existing definition of a “direct sale” as it relates to CFOs – In affect excludes transactions made outside of California.</i></p>
2	113806 “Highly Susceptible Population” (HSP) NEW DEFINITION	<p>“Highly susceptible population” means a group of persons who are more likely than other people in the general population to experience foodborne disease because both of the following conditions exist:</p> <p>(a) The group is comprised of immunocompromised persons, preschool age children, or older adults.</p> <p>(b) The group obtains food at a facility, including, but not limited to, a kidney dialysis center, hospital, nursing home, or senior center, that provides services, such as custodial care, health care, assisted living, or socialization services.</p> <p><i>-Adds definition for the term “High Susceptible Population” (HSP) as it relates to an exemption from the prohibition of bare hand contact with ready-to-eat foods outlined in section 113961(f).</i></p>
3	113807 “Hot Dog” NEW DEFINITION	<p>“Hot dog” means a whole, cured, cooked sausage that is skinless or stuffed in a casing, that may be known as a frankfurter, frank, furter, wiener, red hot, vienna, bologna, garlic bologna, or knockwurst, and that may be served in a bun or roll.</p> <p><i>-Adds definition to clarify the difference between a hot dog (packaged as fully cooked), which is only reheated before serving, and animal protein similar in appearance, which requires cooking before serving.</i></p>
4	113818(b) (6) (Limited Food Prep) AMENDMENT	<p>Except as authorized in paragraph (3) of subdivision (a), hot holding of nonprepackaged, potentially hazardous food, except for roasting corn on the cob, steamed or boiled hot dogs, and tamales in the original, inedible wrapper.</p> <p><i>-Adds an exception reference to paragraph (3) of subdivision (a) in order to not contradict that section. This change clarifies that Satellite Food Service (SFS) can hot hold nonprepackaged, PHF.</i></p>
5	113903 “Service Animal” BROADENED DEFINITION	<p>(a) “Service animal” means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability, or that is in training to do that work or perform those tasks. “Service animal” does not include any other species of animals, whether wild or domestic, trained or untrained.</p> <p>(b) The work or tasks performed by a service animal shall include assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, or helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this subdivision.</p> <p><i>-This definition is more in line with the 2010 revision of the federal ADA Title III regulations. Definition specifically clarifies that a service animal is a service dog in training or trained to do a specific task. Comfort or companionship animals are not considered service animals.</i></p>

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6	113949.2 (Responsibility of owner) AMENDMENT	The owner who has a food safety certificate issued pursuant to Section 113947.1 or the food employee who has this food safety certificate shall instruct all food employees regarding the relationship between personal hygiene and food safety, including the association of hand contact, personal habits and behaviors, and food employee health to foodborne illness. The owner or food safety certified employee shall require food employees to report the following to the person in charge: (a) If a food employee is diagnosed with an illness due to one of the following: (1) Salmonella typhi (2) Salmonella spp. (3) Shigella spp. (4) Entamoeba histolytica (5) Enterohemorrhagic or shiga toxin producing Escherichia coli. (6) Hepatitis A virus (7) Norovirus (b) If a food employee has a wound that is one of the following: (1) On the hands or wrists, unless an impermeable cover such as a finger cot or stall protects the wound and a single-use glove is worn over the impermeable cover. (2) On exposed portions of the arms, unless the wound is protected by an impermeable cover. (3) On other parts of the body, unless the wound is covered by a dry, durable, tight-fitting bandage. -Substitutes the word “wound” for “lesion”. -Removes “open and draining” as a criteria for a wound.
7	113953.3 Handwashing Procedure AMENDMENT	Before initially donning gloves for working with food. -Adds word “initially” -Prior to this change, the law as written required that a food handler wash their hands every time before donning gloves even when there is no contamination risk (e.g. in between customers when making sandwiches and there is no change in task). The word initially was added to this section to clarify that hands must be washed before initially donning gloves, when changing tasks, prior to working with ready-to-eat foods or raw foods, and when gloves are damaged or soiled.
8	113961 (No Bare Hand Contact with RTE Food) REPEALED SECTION, ADDED ANOTHER	(a) Food employees shall wash their hands in accordance with the provisions established in Section 113953.3. (b) Except when washing fruits and vegetables, as specified in Section 113992 or as specified in subdivisions (e) and (f), food employees shall not contact exposed, ready-to-eat food with their bare hands and shall use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment. (c) Food employees shall minimize bare hand and arm contact with exposed food that is not in a ready-to-eat form. (d) Food that has been served to a consumer and then wrapped or packaged at the direction of the consumer, such as food placed in a take-home container, shall be handled only with utensils. These utensils shall be properly sanitized before reuse. (e) Subdivision (b) does not apply to a food employee who contacts exposed, ready-to-eat food with bare hands at the time the ready-to-eat food is being added as an ingredient to a food that meets either of the following: (1) Food that contains a raw animal food and is to be cooked in the food establishment to heat all parts of the food to the minimum temperatures specified in subdivisions (a) and (b) of Section 114004 or in Section 114008. (2) Food that does not contain a raw animal food but is to be cooked in the food establishment to heat all parts

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of the food to a temperature of at least 165 degrees Fahrenheit.

(f) Food employees not serving a highly susceptible population may contact exposed, ready-to-eat food with their bare hands if all of the following occur:

(1) The permit holder obtains prior approval from the regulatory authority.

(2) Written procedures are maintained in the food facility and made available to the regulatory authority upon request, that include all of the following:

(A) For each bare hand contact procedure, a listing of the specific ready-to-eat foods that are touched by bare hands.

(B) Diagrams and other information showing that handwashing facilities that are installed, located, and maintained in accordance with Sections 113953, 113953.1, and 113953.2, are in an easily accessible location and in close proximity to the work station where the bare hand contact procedure is conducted.

(3) A written employee health policy that details the manner in which the food facility complies with Sections 113949, 113949.1, 113949.2, 113949.3, 113949.4, 113949.5, 113950, and 113950.5, including all of the following:

(A) Documentation that food employees acknowledge that they are informed to report information about their health and activities as they relate to gastrointestinal symptoms and diseases that are transmittable through food as specified in Section 113949.1.

(B) Documentation that food employees acknowledge their responsibilities as specified in Section 113949.4.

(C) Documentation that the person in charge acknowledges the responsibilities specified in Section 113949.5, subdivision (b) of Section 113950, and Section 113950.5.

(4) Documentation that food employees acknowledge that they have received training in all of the following:

(A) The risks of contacting the specific ready-to-eat foods with bare hands.

(B) Proper handwashing techniques and requirements, pursuant to subdivision (a) of Section 113953.3.

(C) Where to wash their hands, as specified in Section 113953.1.

(D) Proper fingernail maintenance, as specified in Section 113968.

(E) Prohibition of jewelry, as specified in subdivision (a) of Section 113973.

(F) Good hygienic practices, as specified in Sections 113974 and 113977.

(5) Documentation that hands are washed before food preparation and as necessary to prevent cross-contamination by food employees, as specified in Sections 113952, 113953.1, and 113953.3 during all hours of operation when the specific ready-to-eat foods are prepared.

(6) Documentation that food employees contacting ready-to-eat foods with bare hands use two or more of the following control measures to provide additional safeguards to hazards associated with bare hand contact:

(A) Double handwashing.

(B) Nail brushes.

(C) A hand antiseptic after handwashing, as specified in Section 113953.4.

(D) Incentive programs such as paid sick leave that assist or encourage food employees not to report to work if they are ill.

(E) Other control measures approved by the regulatory authority.

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		<p>(7) Documentation that corrective action is taken when the requirements specified in paragraphs (1) to (6), inclusive, are not followed.</p> <p><i>-Prohibits bare hand contact (BHC) with ready-to-eat food as opposed to minimizing contact.</i> <i>-Outlines the conditions for operators not serving a HSP to meet for conducting BHC with RTE food.</i></p>
#	CalCode SECTION	TEXT CHANGES AND EXPLANATION OF CHANGES MADE TO THE SECTION
9	113973(a) & (b) (Use of Gloves) AMENDMENT	<p>(a) Single-use gloves shall be worn when contacting food and food-contact surfaces if the employee has any cuts, sores, rashes, artificial nails, nail polish, rings (other than a plain ring, such as a wedding band), uncleanable orthopedic support devices, or fingernails that are not clean, smooth, or neatly trimmed.</p> <p>(b) Whenever gloves are worn, they shall be changed, replaced, or washed as often as handwashing is required by this part. Single-use gloves shall not be washed.</p> <p><i>-Adds the words "single-use" prior to "gloves shall be worn" and that they "shall not be washed"</i></p>
10	113975 (Wounds) NEW SECTION FOR HANDLING WOUNDS	<p>(a) Except as provided in subdivision (b), an employee who has a wound that is open or draining shall not handle food.</p> <p>(b) A food employee who has a wound is restricted from food handling unless the food employee complies with all of the following:</p> <p>(1) If the wound is located on the hand or wrist, an impermeable cover, such as a finger cot or stall, shall protect the wound. A single-use glove shall be worn over the impermeable cover.</p> <p>(2) If the wound is located on exposed portions of the arms, an impermeable cover shall protect the wound.</p> <p>(3) If the wound is located on other parts of the body, a dry, durable, tight-fitting bandage shall cover the wound.</p> <p>(4) For purposes of this section, a wound also includes a cut, sore, rash, or lesion.</p> <p><i>-Adds new section for protecting wounds and preventing food contamination</i></p>
11	114047(b) & (e) (Food storage, adequate space) AMENDMENT WITH NEW SUBSECTION	<p>(b) Except as specified in subdivisions (c), (d), and (e), food shall be protected from contamination by storing the food in a clean, dry location, where it is not exposed to splash, dust, vermin, or other forms of contamination or adulteration, and at least six inches above the floor.</p> <p>(e) Temporary alternate food storage methods and locations may be approved by the local enforcement agency.</p> <p><i>-Adds subdivision (e) allowing the local enforcement agency to approve temporary alternate storage methods for temporary overstock (for instance, extra refrigerated storage for holiday turkeys).</i></p>

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12	114099.7(c) (Mechanical sanitization) BROADENED REQUIREMENTS	<p>(c) After being cleaned and sanitized, equipment and utensils shall not be rinsed before air drying or use unless:</p> <p>(1) The rinse is applied directly from a potable water supply by a warewashing machine that meets the requirements of subdivision (b) of Section 114130 and is maintained and operated in accordance with the manufacturer's specifications.</p> <p>(2) The rinse is applied only after the equipment and utensils have been sanitized by the application of hot water or by the application of a chemical sanitizer solution whose United States Environmental Protection Agency-registered, label use instructions require rinsing off the sanitizer after it is applied in an approved commercial warewashing machine.</p> <p><i>-Final rinse criteria for warewashing machines as required. ANSI/NSF standards apply.</i></p> <p><i>-Outlines additional requirements for mechanical sanitization if the equipment has a post-sanitizing rinse before air drying utensils.</i></p>
#	CalCode SECTION	TEXT CHANGES AND EXPLANATION OF CHANGES MADE TO THE SECTION
13	114268(a) (Floors) AMENDMENT	<p>(a) Except in sales areas and as otherwise specified in subdivision (d), the floor surfaces in all areas in which food is prepared, prepackaged, or stored, where any utensil is washed, where refuse or garbage is stored, where janitorial facilities are located in all toilet and handwashing areas, except with respect to areas relating to guestroom accommodations and the private accommodations of owners and operators in restricted food service facilities, shall be smooth and of durable construction and nonabsorbent material that is easily cleanable.</p> <p><i>-Removes "employee change areas" from the requirement for smooth, durable non-absorbent floor surfaces.</i></p>
14	114271(b)(6) (Walls & Ceiling) AMENDMENT	<p>(b) This section shall not apply to any of the following areas: (6) Dressing rooms, dressing areas, or locker areas.</p> <p><i>-Adds dressing rooms, etc. to areas exempt from requiring sanitary finishes.</i></p>
15	114294 (MFF-Applicable requirements) AMENDMENT	<p>(a) All mobile food facilities and mobile support units shall meet the applicable requirements in Chapter 1 (commencing with Section 113700) to Chapter 8 (commencing with Section 114250), inclusive, Chapter 12.6 (commencing with Section 114377), and Chapter 13 (commencing with Section 114380), unless specifically exempted from any of these provisions as provided in this chapter.</p> <p><i>-Adds Chapter 12.6 (trans fats) to Chapters of Cal Code applicable to MFF</i></p>
16	114295 (Operation from a Commissary) BROADENED	<p>(b) This section does not apply to mobile food facilities that operate at community events as defined in Section 113755 and that remain in a fixed position during food preparation and its hours of operation, if potable water and liquid waste disposal facilities are available to mobile food facilities requiring potable water.</p> <p><i>-Clarifies that MFFs operating at a community event (as defined) and are equipped with potable water and</i></p>

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		<i>waste may remain in their fixed position during hours of operation.</i>
17	114299(b) (Owner ID AMENDMENT)	(b) The business name shall be in letters at least 3 inches high. Letters and numbers for the city, state, and ZIP Code shall not be less than one inch high. The color of each letter and number shall contrast with its background. <i>-Adds the word "business" prior to "name shall..." clarifying that only the business name be 3 inches high.</i> <i>-"shall be of contrasting color..." was moved to another section.</i>
18	114325 (MFF- Water heater requirements) AMENDMENT	(a) Except on a mobile food facility that only utilizes the water for handwashing purposes, a water heater or an instantaneous heater capable of heating water to a minimum of 120°F, interconnected with a potable water supply, shall be provided and shall operate independently of the vehicle engine. On a mobile food facility that only utilizes the water for handwashing purposes, a minimum one-half gallon-capacity water heater or an instantaneous water heater capable of heating water to a minimum of 100°F, interconnected with a potable water supply, shall be provided and shall operate independently of the vehicle engine. (b) A water heater with a minimum capacity of four gallons shall be provided for mobile food facilities that have a warewashing sink. (c) A mobile food facility equipped with a three-gallon-capacity water heater that is in compliance with this section on January 1, 2014, is in compliance with this section after that date.
18	Continued...	<i>-Adds that MFFs equipped with warewashing sinks shall provide a 4-gallon water heater, also that those approved with 3-gallon water heaters prior to 1/1/14 are acceptable-It also adds that MFFs equipped with only a hand sink (no warewashing) shall provide a minimum ½ gallon water heater. This allowance was formerly extended to any MFF that was restricted to Limited Food Prep.</i>
19	114332 (Nonprofit charitable TFF warewashing) BROADENED	a) Except where all food and beverage is prepackaged, handwashing and warewashing facilities approved by the enforcement officer shall be provided for nonprofit charitable temporary food facilities. Each nonprofit charitable temporary food facility shall be equipped with a handwashing facility. Based on local environmental conditions, location, and similar factors, the local enforcement agency may, in lieu of warewashing facilities, allow a nonprofit charitable temporary food facility operating no more than four hours per day at a single event to provide an adequate supply of utensils and spare utensils when they have been properly washed and sanitized at an approved food facility and are stored and kept free of becoming soiled or contaminated. <i>-Adds a provision for local agency to allow suitable alternatives to warewashing sinks under some conditions</i> <i>-Removes the requirement that each nonprofit TFF be equipped with a warewashing facility.</i>
20	114335 (TFF-Applicable requirements) AMENDMENT	(a) 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 Chapter 1 (commencing with Section 113700) to Chapter 8 (commencing with Section 114250), inclusive, Chapter 12.6 (commencing with Section 114377), and Chapter 13 (commencing with Section 114380), unless specifically exempted from any of these provisions. (b) Temporary food facilities that operate at a community event shall meet the applicable requirements in Chapter 1 (commencing with Section 113700) to Chapter 8 (commencing with Section 114250), inclusive, Chapter 12.6 (commencing with Section 114377), and Chapter 13 (commencing with Section 114380), unless specifically

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		<p>exempted from any of these provisions. <i>-Add that Chapter 12.6 (trans fats) is applicable to TFFs.</i></p>
21	<p>114351 (TFF-Warewashing) BROADENED & ADDED</p>	<p>(a) 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. (b) Notwithstanding subdivision (a), based on the number and types of utensils used, the local enforcement agency may allow up to eight temporary food facilities to share a warewashing sink when easily accessible and located within 100 feet of each temporary food facility. (c) Based on local environmental conditions, location, and similar factors, the local enforcement agency may, in lieu of a warewashing sink, allow a temporary food facility operating no more than four hours per day at a single event to provide an adequate supply of utensils and spare utensils when they have been properly washed and sanitized at an approved food facility and are stored and kept free of becoming soiled or contaminated. <i>-Expands the number of vendors allowed to share a warewashing sink and allows the local enforcement agency to approve TFFs to operate under certain conditions where warewashing sink may not be necessary.</i></p>
#	CalCode SECTION	TEXT CHANGES AND EXPLANATION OF CHANGES MADE TO THE SECTION
22	<p>114365 (CFO-Registration and Permitting) ADDED</p>	<p>(a) (2) (D) A “Class A” cottage food operation shall renew its registration annually. (b)(2) The registration or permit or an accurate copy thereof shall be retained by the operator onsite at the time of either direct or indirect cottage food sale. <i>-Adds requirement for annual registration of Class A CFO and making registration or permit available at sales site.</i></p>
23	<p>114365.2 (CFO-Operational Requirements) AMENDMENT</p>	<p>(c) Water used during the preparation of cottage food products shall meet the potable drinking water standards described in Section 113869, or in accordance with the local regulatory authority. A cottage food operation shall not be required to have an indirect sewer connection. Water used during the preparation of cottage food products includes all of the following: (1) The washing, sanitizing, and drying of any equipment used in the preparation of a cottage food product. (2) The washing, sanitizing, and drying of hands and arms. (3) Water used as an ingredient. (d) A person who prepares or packages cottage food products shall complete a food processor course approved by the department and posted on the department’s Internet Web site to protect the public health within three months of becoming registered and every three years during operation. The course shall not exceed four hours in length. The department shall work with the local enforcement agency to ensure that cottage food operators are properly notified of the location, date, and time of the classes offered. (e) A cottage food operation shall properly label all cottage food products in compliance with the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 343 et seq.). Additionally, to the extent permitted by federal law, the label shall include, but is not limited to, all of the following: (1) The words “Made in a Home Kitchen” or “Repackaged in a Home Kitchen,” as applicable, with a</p>

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description of any purchased whole ready-to-eat product not used as an ingredient in 12-point type on the cottage food product's primary display panel.

(2) The name commonly used for the food product or an adequately descriptive name.

(3) The name of the cottage food operation which produced the cottage food product.

(4) The registration or permit number of the "Class A" or "Class B" cottage food operation, respectively, which produced the cottage food product **and the name of the county of the local enforcement agency that issued the permit or registration number.**

-Adds a provision for local regulatory authority water standards;

-Requires triennial food processor course for Cottage Food Operators within three months of registration; CDPH to post course on their website

-Adds "Repackaged in a Home Kitchen" as applicable...

-Requires both, Class A and Class B CFOs, to include on the product label the name of the County or jurisdiction that issued the permit or registration.