

SB 241 Amendments & Revised MFF Requirements

113733. “Acute gastrointestinal illness” means a short duration illness most often characterized by one **either** of the following symptoms or groups of symptoms, which are known to be commonly associated with the agents most likely to be transmitted from infected food employees through contamination of food:

113735. “Approved source” means a food source allowed under Article 3 (commencing with Section 114021) of Chapter 4, or a producer, manufacturer, distributor, ~~transporter that meets the requirements of Section 113982,~~ or food facility that is acceptable to the enforcement agency based on a determination of conformity with applicable laws, or, in the absence of applicable laws, with current public health principles and practices, and generally recognized industry standards that protect public health.

113747.1 “Cold water” means potable water that is not heated by an auxiliary method or source.

113769. “Egg” means the shell egg of the ~~domesticated~~ **an avian species that includes** chicken, turkey, duck, goose, or guinea, **quail or ratite; except a balut and an egg product.** “Egg” does not include the egg of a reptile species, including an alligator.

113778.4 “Fabric implement” means a cloth or fabric, including, but not limited to, burlap and cheesecloth, that is used as part of the food process and comes in direct contact with food that is subsequently cooked.

113784. “Food compartment” means an enclosed space, **including, but not limited to, an air pot, blender, bulk dispensing system, covered chafing dish, and covered ice bin,** with all of the following characteristics:

113789. (b) “Food facility” includes permanent and nonpermanent food facilities, including, but not limited to, the following:

(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:

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

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

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

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

113794.4 “Frozen food” means a food maintained at a temperature at which all moisture therein is in a solid state.

113801. “HACCP plan” means a written document that **complies with the requirements of Section 114419.1 and that** delineates the formal procedures for following the Hazard Analysis Critical Control Point principles developed by the National Advisory Committee on Microbiological Criteria for Foods. **and complies with the requirements of Section 114419.1. These principles include completion of the following basic steps:**

(a) Completion of hazard analysis identification by identifying the likely hazards to consumers presented by a specific food.

(b) Determination of critical control points in receiving, storage, preparation, displaying, and dispensing of a food.

(c) Setting of measurable critical limits for each critical control point determined.

(d) Developing and maintaining monitoring practices to determine if critical limits are being met.

(e) Developing and utilizing corrective action plans when failure to meet critical limits is detected.

(f) Establishing and maintaining a recordkeeping system to verify adherence to an HACCP plan.

(g) Establishing a system of audits to do both of the following:

(1) Initially verify the effectiveness of the critical limits set and appropriateness of the determination of critical control points.

(2) Periodically verify the effectiveness of the HACCP plan.

113818. (a) “Limited food preparation” means food preparation that is restricted to one or more of the following:

(1) Heating, frying, baking, roasting, popping, **shaving of ice**, blending, **steaming or boiling of hot dogs**, or assembly of nonprepackaged food.

(2) Bulk Dispensing **and portioning** of nonpotentially hazardous **beverages food**.

(6) **Preparing beverages that are for immediate service, in response to an individual consumer order, that do not contain frozen milk products.**

(b) “Limited food preparation” does not include ~~slicing and chopping unless it is on the heated cooking surface, thawing, cooling of cooked potentially hazardous food, grinding raw ingredients or potentially hazardous food, reheating for hot holding, washing of foods, or cooking of potentially hazardous food for later use.~~ **any of the following:**

(1) **Slicing and chopping unless it is on the heated cooking surface.**

(2) **Thawing.**

(3) **Cooling of cooked, potentially hazardous food.**

(4) **Grinding raw ingredients or potentially hazardous food.**

(5) **Reheating of potentially hazardous foods for hot-holding, except for steamed or boiled hot dogs and tamales in the original, inedible wrapper.**

(6) **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.**

(7) **Washing of foods.**

(8) **Cooking of potentially hazardous foods for later use.**

113821. “Major violation” means a violation of this part that **may** poses an imminent health hazard and warrants immediate closure ~~of the food facility or immediate correction~~ **or other corrective action.**

113831. (a) “Mobile food facility” means any vehicle used in conjunction with a commissary or other permanent food facility upon which food is sold or distributed at retail. “Mobile food facility” does not include a “transporter” used to transport packaged food from a food facility, or other approved source to the consumer.

(b) “Single operating site mobile food facilities” means **at least one, but not more than four, unenclosed mobile food facilities, and their auxiliary units, that operate adjacent to each other at a single location.**

113871. (c) “Potentially hazardous food” does not include any of the following:

(3) **An air-cooled, hard-boiled egg with shell intact, or an egg with shell intact shell-egg that is not hard-boiled but has been treated pasteurized to destroy all viable salmonellae.**

113876. “Prepackaged food” means any properly labeled processed food, prepackaged to prevent any direct human contact with the food product upon distribution from the manufacturer, **a food facility, or other** ~~and prepared at an approved source.~~

SEC. 16. 113915 of the Health and Safety Code is repealed.

113930. “Temporary food facility” means a food facility approved by the enforcement officer that ~~may be readily disassembled for storage or for transporting, and readily assembled to its original integrity at a different location, is easily movable, and 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.**

113932. “Transporter” means any vehicle used to transport food **pursuant to a prior order** from a manufacturer, distributor, retail food facility, or other approved source to a retail food facility **or consumer.**

113939. “Vermin” means cockroaches, mice, rats, and similar pests **that carry disease.**

113947. (a) **The person in charge and all food employees** shall have adequate knowledge of, and shall be properly trained in, food safety as it relates to their assigned duties.

(b) **For purposes of this section, “person in charge” means a designated person who has knowledge of safe food handling practices as they relate to the specific food preparation activities that occur at the food facility.**

113949.1. (a) When a local health officer is notified of an illness that can be transmitted by food in a food facility or by an ~~an~~ food employee of a food facility, the local health officer shall inform the local enforcement agency. The local health officer or the local enforcement agency, or both, shall notify the person in charge of the food facility and shall investigate conditions and may, after the investigation, take appropriate action, and for reasonable cause, require any or all of the following measures to be taken:

(1) The immediate restriction or exclusion of any **food** employee from the affected food facility.

113949.2. 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:

113950.5. (b) Only the local health officer or the local enforcement agency, or both, shall remove exclusions or restrictions, or both, related to diagnosed illnesses due to infectious agents specified in subdivision (b) of Section 113949.1 after ~~the written~~ local health officer **provides a written** clearance stating that the excluded or restricted food employee is no longer considered infectious.

113953. (c) Handwashing facilities shall be equipped to provide warm water under pressure for a minimum of 15 seconds through a mixing valve or combination faucet. **If the temperature of water provided to a handwashing sink is not readily adjustable at the faucet, the temperature of the water shall be at least 100°F, but not greater than 108°F.**

113969. (a) Except as specified in subdivision (b), all food employees preparing, serving, or handling food or utensils shall wear hair restraints such as hats, hair coverings, or nets that **which** are designed and worn to effectively keep their hair from contacting nonprepackaged food, clean equipment, utensils, linens, and unwrapped single-use articles.

~~113976. A food employee may not use a utensil more than once to taste food that is to be sold or served. Unless a utensil used to taste food is discarded after the first time it is used for this purpose and before the next tasting or any other use, the utensil shall be washed, rinsed, and sanitized pursuant to Chapter 5 (commencing with Section 114095) between tastings and before any other use.~~

~~113982. (a) (3) Approved methods shall be used to maintain~~ **Except as provided in subdivision (a) of Section 113996,** potentially hazardous food **shall be maintained** at the required holding temperatures.

~~113984. (c) Limited food preparation shall be conducted within a food compartment or as approved by the enforcement agency. All food shall be thawed, washed, sliced, and cooled within an approved fully enclosed food facility. Subject to subdivision (g), this subdivision shall not be construed to require an additional food compartment when adding ingredients to a beverage or dispensing into a serving container when the beverage is prepared for immediate service in response to an individual consumer order.~~

(e) Overhead protection shall be provided above all food preparation, food display, **warewashing**, and food storage areas.

~~**(f)** All food shall be thawed, washed, sliced, and cooled within an approved fully enclosed food facility.~~

~~**(g)** Based upon local environmental conditions, location, and other similar factors, the enforcement officer may establish additional structural or operational requirements, or both, for mobile food facilities as necessary to ensure that foods, food-contact surfaces, and utensils are of a safe and sanitary quality.~~

113986. (a) (1) Separating raw food of animal origin during transportation, storage, preparation, holding, and display from raw ready-to-eat food, including other raw food of animal origin such as fish for sushi or molluscan shellfish, or other raw ready-to-eat food such as produce, and cooked ready-to-eat food **in any of the following ways:**

(A) Using separate equipment of each type.

(B) Arranging each type of food in equipment so that cross-contamination of one type with another is prevented.

(C) Preparing each type of food at different times or in separate areas.

(D) Except as specified in subdivision (b), storing the food in packages, covered containers, or wrappings.

(E) Cleaning hermetically sealed containers of food of visible soil before opening.

(F) Protecting food containers that are received packaged together in a case or overwrap from cuts when the case or overwrap is opened.

(G) Storing damaged, spoiled, or recalled food being held in the food establishment as specified in Section 114055.

(H) Separating fruits and vegetables before they are washed, as specified in Section 113992, from ready-to-eat food.

113996. (b) Roasts cooked to a temperature and for a time specified in subdivision (b) of Section 114004 may be held at a temperature of 130°F **or above**.

(c) (4) Potentially hazardous foods held for dispensing in ~~in serving lines and salad bars during periods not to exceed 12 hours in any 24-hour period or held in vending machines. For purposes of this subdivision, a display case shall not be deemed to be a serving line.~~

(d) Potentially hazardous foods held for dispensing in serving lines and salad bars may be maintained above 41°F, but not above 45°F, during periods not to exceed 12 hours in any 24-hour period only if the unused portions are disposed of at or before the end of this 24-hour period. For purposes of this subdivision, a display case shall not be deemed to be a serving line.

114002. (b) After heating or hot holding, potentially hazardous food shall be cooled rapidly from 135°F to 70°F ~~within two hours and from 70°F to 41°F or below within four~~ **six hours and, during this time the decrease in temperature from 135°F to 70°F shall occur within two hours.**

(e) Pasteurized milk in original, sealed containers, pasteurized milk products in original, sealed containers, raw shell eggs, and unshucked live molluscan shellfish need not comply with subdivision (c) or (d) if **these foods** the eggs are placed immediately upon their receipt in refrigerated equipment that maintains an ambient temperature of 45°F or less.

114004. (a) (3) (C) Stuffed fish, stuffed meat, stuffed poultry, **and** stuffed ratites, ~~stuffed pasta.~~

(E) Pasta and any other food stuffed with fish, meat, poultry, or ratites.

SEC. 33. Section 114020.1 of the Health and Safety Code is repealed.

114021. (b) Food **stored or** prepared in a private home shall not be used or offered for sale in a food facility.

114041. (a) Shell eggs shall be received clean and sound and ~~may not exceed the restricted egg tolerances for United States Consumer Grade B Standards.~~

(b) Shell eggs shall not exceed the restricted egg tolerances for United States Consumer Grade B Standards.

114067. (f) Satellite food service operations that handle nonprepackaged food shall be equipped with approved ~~permanently plumbed~~ handwashing facilities and warewashing facilities **that are either permanently plumbed or self-contained.**

(h) ~~Food and utensils shall be stored inside the fully enclosed permanent food facility when satellite food service is not being conducted. During nonoperating hours and periods of inclement weather, food, food contact surfaces, and utensils shall be stored within any of the following:~~

(1) A fully enclosed satellite food service operation.

(2) Approved food compartments where food, food contact surfaces, and utensils are protected at all times from contamination, exposure to the elements, ingress of vermin, and temperature abuse.

(3) A fully enclosed permanent food facility.

(i) Satellite food service activities shall be conducted by and under the constant and complete control of the permitholder of the fully enclosed permanent food facility, **or the duly contracted personnel of, or third-party providers to, the permitholder.**

(j) ~~During nonoperating hours and periods of inclement weather, satellite food service operations shall be completely enclosed to exclude vermin, or stored inside the fully enclosed permanent food facility. For purposes of permitting and enforcement, the permitholder of the permanent food facility and the permitholder of the satellite food service shall be the same.~~

114089. (c) Bulk food that is available for consumer self-service shall be prominently labeled with the following information in plain view of the consumer:

114099.2. (b) The temperature of the washing solution shall be maintained at not less than 110°F 100°F or the temperature specified by the manufacturer on the cleaning agent manufacturer's label instructions or as provided in writing by the manufacturer.

114099.6. Manual or Mechanical sanitization shall be accomplished in the final sanitizing rinse by one of the following:

(a) Hot water manual operations by Immersion for at least 30 seconds where the water temperature is maintained at 171°F or above.

(b) Hot water mechanical operations by being cycled through equipment that is used in accordance with the manufacturer's specifications and achieving a utensil surface temperature of 160°F as measured by an irreversible registering temperature indicator. The application of sanitizing chemicals by immersion, manual swabbing, or brushing, using one of the following solutions: (1-3) same

(4) Contact with any chemical sanitizer that meets the requirements of Section 180.940 of Title 40 of the Code of Federal Regulations 21 C.F.R. 178.1010 when used in accordance with the manufacturer's use directions. as specified on the product label.

(c) Chemical manual or mechanical operations, including the applications of sanitizing chemicals by immersion, manual swabbing, brushing, or pressure spraying methods, using one of the following solutions: Other methods may be used if approved by the enforcement agency

(d).

114099.7. Mechanical sanitization shall be accomplished in the final sanitizing rinse by one of the following:

(a) By being cycled through equipment that is used in accordance with the manufacturer's specifications and achieving a utensil surface temperature of 160°F as measured by an irreversible registering temperature indicator.

(b) The mechanical application of sanitizing chemicals by pressure spraying methods using one of the following solutions:

(1) Contact with a solution of 50ppm available chlorine for at least 30 seconds.

(2) Contact with a solution of 25ppm available iodine for at least one minute.

(3) Contact with any chemical sanitizer that meets the requirements of Section 180.940 of Title 40 of the Code of Federal Regulations when used in accordance with the following:

(A) The sanitizer manufacturer's use directions as specified on the product label.

(B) The machine manufacturer's specifications as provided in the manufacturer's operating instructions.

114117. (a) Equipment food-contact surfaces and utensils shall be cleaned and sanitized at the following times:

(c) Except as specified in subdivision (d), if used with potentially hazardous food, equipment food-contact surfaces and utensils shall be cleaned and sanitized throughout the day at least every four hours.

(d) Surfaces of utensils and equipment contacting potentially hazardous food may be cleaned and sanitized less frequently than every four hours if any of the following occurs:

(1) In storage, containers of potentially hazardous food and their contents are maintained at temperatures as specified in Section 113996 and the containers are cleaned and sanitized when they are empty.

(2) Utensils and equipment are used to prepare food in a refrigerated room or area that is maintained at or below 55°F. In that case, the utensils and equipment shall be cleaned and sanitized at the frequency.....

(3) Containers in serving situations such as salad bars, delis, and cafeteria lines that hold ready-to-eat potentially hazardous food that is maintained at the temperatures specified in subdivisions (a) to (c), inclusive, of Section 113996 are intermittently combined with additional supplies of the same food that is at the required temperature, and the containers are cleaned and sanitized at least every 24 hours. Utensils and containers holding potentially hazardous foods in accordance with subdivision (d) of Section 113996 are cleaned when they are empty or when the remaining contents are disposed of.

(5) Equipment is used for storage of packaged or unpackaged food, such as a reach-in refrigerator, and the equipment is cleaned and sanitized at a frequency....

(7) In-use utensils are intermittently stored in a container of water in which the water is maintained at 135°F or higher and the utensils and container are cleaned and sanitized at least....

(e) Except when dry cleaning methods are used as specified in Section 114111, surfaces of utensils and equipment contacting food that is not potentially hazardous shall be cleaned and sanitized in.....

114118. Fabric implements shall be laundered and sanitized before or after use in direct contact with food.

114130.6. Materials that are used in fabric implements shall not allow the migration of deleterious substances or impart colors, odors, or tastes to food and under normal use conditions shall be safe, durable, and sufficient in strength to withstand repeated cleaning or laundering and shall be resistant to fraying and deterioration.

114159. (c) Food temperature measuring devices that are scaled only in Fahrenheit shall be accurate to $\pm 2^{\circ}\text{F}$ in the intended range of use. Food temperature measuring devices that are scaled only in Celsius or dually scaled in Celsius and Fahrenheit shall be accurate to $\pm 1^{\circ}\text{C}$ in the intended range of use.

(e) Food temperature measuring devices shall be calibrated in accordance with manufacturer's specifications as necessary to ensure their accuracy.

114163. (a) Except as specified in subdivision (b), all permanent food facilities that wash, rinse, soak, thaw, or similarly prepare foods shall be provided with a food preparation sink shall be provided in permanent food facilities for the washing, rinsing, soaking, thawing, or similar preparation of foods.

114185. Except for linen used in fabric implements, linen shall not be used in contact with food unless they are used to line a container for the service of foods and the linens are replaced each time the container is refilled for a new consumer and laundered prior to reuse.

114175.5. (c) If wiping cloths are laundered on premises, they shall be laundered in a mechanical cloths washer and dryer or in a warewashing sink that is cleaned and sanitized before and after each time it is used to wash wiping cloths or wash produce or thaw food.

SEC. 48. Section 114245.8. of the Health and Safety Code is repealed.

114250. Clean toilet rooms in good repair shall be provided and conveniently located and accessible for use by employees during all hours of operation. The number of toilet facilities required shall be in accordance with applicable local building and plumbing ordinances. Toilet rooms shall not be used for the storage of food, equipment, or supplies. Toilet tissue shall be provided in a permanently installed dispenser at each toilet.

114252. (a) At least 10-foot candles for the following: at a distance of 30 inches above the floor, in walk-in refrigeration units and dry food storage areas.

(1) At a distance of 30 inches above the floor, in walk-in refrigeration units and dry food storage areas.

(2) At a working surface on which alcoholic beverages are prepared or where utensils used in the preparation or service of alcoholic beverages are cleaned.

(3) Inside equipment, such as reach-in or under-the-counter refrigerators. *changed from 20 foot candles

(b) At least 20-foot candles for the following:

(2) In server stations where food is prepared.

(4) In all areas and rooms during periods of cleaning.

(c) Except in server stations where food is prepared, at least 50-foot candles at a surface where a food employee is working with food or working with utensils or equipment such as knives, slicers, grinders, or saws where employee safety is a factor. and in other areas and rooms during periods of cleaning.

114279. (a) At least one curbed cleaning facility or janitorial sink equipped with hot and cold water and a drain shall be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water and similar liquid waste.

114286. (b) Living or sleeping quarters located on the premises of a food facility shall be separated from rooms and areas used for food facility operations by complete partitioning and solid self-closing doors. Except for restricted food service facilities, no door or other opening shall be permitted in the partition that separates the food facility from the living or sleeping quarters.

114295. (e) Notwithstanding any other provisions of this section, a mobile food facility that is engaged on food preparation, other than limited food preparation, as defined in Section 113818, shall not operate in conjunction with a mobile support unit.

114297. (c) Mobile food facilities that are serviced by a mobile support unit and that do not report to a commissary on a daily basis shall be stored in a manner that protects the mobile food facility from contamination. All food shall be stored at the commissary or other approved facility at the end of the operating day.

114306. (a) A single operating site mobile food facility is restricted to produce, prepackaged food, and limited food preparation.

(b) Notwithstanding Section 113984, a mobile food facility operating within a fully enclosed structure shall not be required to provide a secondary food compartment over food preparation areas.

(c) A single operating site mobile food facility that is required to provide warewashing and handwashing facilities shall provide a warewashing sink and handwashing sink per site or operation. A warewashing and handwashing sink contained in a facility to which this subdivision applies shall be conveniently located so as to be accessible during all hours of operation. Additional handwashing sinks may be required pursuant to paragraph (1) of subdivision (b) of Section 113953.

(d) Notwithstanding Section 114095, a warewashing sink may be shared by not more than four mobile food facilities operating as a single operating site mobile food facility that is required to provide a warewashing sink, if the sink is conveniently located so as to be accessible during all hours of operation.

(e) For purposes of permitting and enforcement, the permit holder of each single operating site mobile food facility location shall be the same.

114311. (c) This section shall not apply to mobile food facilities handling only whole produce or the bulk dispensing of nonpotentially hazardous beverages.

114313. (a) Except as specified in subdivisions (b) and (c), a mobile food facility where nonprepackaged food is cooked, blended, or otherwise prepared shall provide a warewashing sink with at least three compartments with two integral metal drainboards.

(1) The dimensions of each compartment shall be large enough to accommodate the cleaning of the largest utensil and either of the following:

(A) At least 12 inches wide, 12 inches long, and 10 inches deep.

(B) At least 10 inches wide, 14 inches long, and 10 inches deep.

(b) Mobile food facilities that are not required to provide a warewashing sink on the mobile food facility, including those that handle nonpotentially hazardous foods that require no preparation other than heating, baking, popping, portioning, bulk dispensing, or assembly shall wash and sanitize all utensils and equipment. If all utensils and equipment of a mobile food facility are washed and sanitized on a daily basis at the approved commissary or other approved food facility, and the mobile food facility provides and maintains an adequate supply of spare preparation and serving utensils in the mobile food facility as needed to replace those that become soiled or contaminated, then the mobile food facility shall not be required to provide a warewashing sink to only handle any of the following:

(1) Nonpotentially hazardous foods that do not require preparation other than heating, baking, popping, portioning, bulk dispensing, assembly, or shaving of ice.

(2) Steamed or boiled hot dogs.

(3) Tamales in the original, inedible wrapper.

(c) An unenclosed mobile food facility that prepares potentially hazardous beverages for immediate service in response to an individual consumer order shall do one of the following:

(1) Provide a three-compartment sink described in subdivision (a).

(2) Provide at least one two-compartment sink that complies with subdivision (e) of Section 114099.3.

(3) Provide a one-compartment sink with at least one integral metal drainboard, an adequate supply of spare preparation and serving utensils to replace those that become soiled or contaminated, and warewashing facilities that comply with subdivision (a) in reasonable proximity to, and readily accessible for use by, food employees at all times.

114314. (a) Handwashing facilities sinks and warewashing sinks for unenclosed mobile food facilities shall be an integral part of the primary unit or on an approved auxiliary conveyance that is used in conjunction with and maintained immediately adjacent to, the primary unit of the mobile food facility.

(b) When used in conjunction with a mobile food facility, an auxiliary conveyance shall contain all of the utility connections. Warewashing sinks for unenclosed mobile food facilities shall be equipped with

overhead protection made of wood, canvas, or other materials that protect the sinks from bird and insect droppings, dust, precipitation, and other contaminants.

Nonprofit Charitable Temporary Food Facilities SEC. 58. The heading of Article 13.5 (commencing with Section 114332) of Chapter 10 of Part 7 of Division 104 of the Health and Safety Code is **repealed**.

****SEC. 59.** The heading of Chapter 10.5 (commencing with Section 114332) is **added** to Part 7 of Division 104 of the Health and Safety Code, to read: **CHAPTER 10.5. NONPROFIT CHARITABLE TEMPORARY FOOD FACILITIES**

114358. (b) Temporary food facilities that handle only prepackaged food ~~may provide cold water with a germicidal soap at the handwashing facility~~ and comply with Section 113952 shall not be required to provide a handwashing facility, except as required in Section 114359.

114371. (g) Temporary food facilities may be operated as a separate community event adjacent to and in conjunction with certified farmers' markets that are operated as a community event. The organization in control of the event at which one or more temporary food facilities operate shall comply with Section ~~114383~~ **114381.1**.

114380. (c) (2) Except where a determination is made by the enforcement agency that the nonconforming structural conditions pose a public health hazard, existing food facilities **public and private school cafeterias and licensed health care facilities** shall be deemed to be in compliance with the law pending replacement or renovation. If a determination is made by the enforcement agency that a structural condition poses a public health hazard, the school shall remedy the deficiency to the satisfaction of the enforcement agency.

(d) Except when a determination is made by the enforcement agency that the nonconforming structural conditions pose a public health hazard, existing food facilities that were in compliance with the law in effect on June 30, 2007, shall be deemed to be in compliance with the law pending replacement or renovation. If a determination is made by the enforcement agency that a structural condition poses a public health hazard, the food facility shall remedy the deficiency to the satisfaction of the enforcement agency.

(d) (e) The plans shall be approved or rejected within 20 working days after receipt by the enforcement agency and the applicant shall be notified of the decision. Unless the plans are approved or rejected within 20 working days, they shall be deemed approved. The building department shall not issue a building permit for a food facility until after it has received plan approval by the enforcement agency. Nothing in this section shall require that plans or specifications be prepared by someone other than the applicant.

114381. (d) Any fee for the permit or registration or related services, including, but not limited to, the expenses of inspecting and impounding any utensil suspected of releasing lead or cadmium in violation of Section 108860 as authorized by Section 114393, review of HACCP plans, and alternative means of compliance shall be determined by the local governing body. Fees shall be sufficient to cover the actual expenses of administering and enforcing this part. **The moneys collected as fees shall only be expended for the purpose of administering and enforcing this part.**

114387. Any person who operates a food facility shall obtain all necessary permits to conduct business, including, but not limited to, a permit issued by the enforcement agency. In addition to the penalties under Article 2 (commencing with Section ~~114405~~ **114390**), violators who operate without the necessary permits shall be subject to closure of the food facility and a penalty not to exceed three times the cost of the permit.

SEC. 65. Section 114435 of the Health and Safety Code is repealed.

SEC. 66. Section 114436 of the Health and Safety Code is repealed.

SEC. 4. SEC. 67. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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

SEC. 68. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to prevent confusion regarding the laws necessary to protect the health of the public, it is necessary that this act go into immediate effect.