

**HEALTH AND SAFETY CODE
SECTIONS GENERALLY APPLICABLE TO
CERTIFIED FARMERS' MARKETS**

ARTICLE 2: DEFINITIONS

113735. "Adulterated" means food that bears or contains any poisonous or deleterious substance that may render the food impure or injurious to health. Food is also adulterated if it is manufactured, prepared, or stored in a manner that deviates from an HACCP plan as defined in Section 113797 and adopted pursuant to Section 114055 or 114056 so as to pose a discernable increase in hazard risk.

113740. (a) "Approved" means acceptable to the enforcement agency based on a determination of conformity with applicable laws, or, in the absence of applicable laws, current public health principles, practices, and generally recognized industry standards that protect public health.

(b) "Approved source" means a producer, manufacturer, distributor, transporter, or food establishment 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.

113745. "Certified farmers' market" means a location operated in accordance with Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code, and the regulations adopted pursuant thereto.

113760. "Enforcement agency" means the department and all local health agencies.

113765. "Enforcement officer" means the director, agents, or environmental health specialists appointed by the Director of Health Services, and all local health officers, directors of environmental health, and their duly authorized registered environmental health specialists and environmental health specialist trainees.

113773. "Fish" means fresh or saltwater finfish, molluscan shellfish, crustaceans, and other forms of aquatic animal life other than birds or mammals and includes any edible human food product derived in whole or in part from fish, including fish that has been

processed in any manner.

113775. "Food" means any raw or processed substance, ice, beverage, including water, or ingredient intended to be used as food, drink, confection, or condiment for human consumption.

113780. "Food establishment" means any room, building, or place, or portion thereof, maintained, used, or operated for the purpose of storing, preparing, serving, manufacturing, packaging, transporting, salvaging, or otherwise handling food at the retail level. "Food establishment" includes a restricted food service transient occupancy establishment, as defined in Section 113870.

"Food establishment" does not include a commercial food processing establishment as defined in Section 111955, at the wholesale level, a mobile food facility, vending machine, satellite food distribution facility, temporary food facility, open-air barbecue, certified farmers' market, stationary mobile food preparation unit, or mobile food preparation unit.

113785. (a) "Food facility" means all of the following:

(1) Any food establishment, mobile food facility, vending machine, produce stand, swap meet prepackaged food stand, temporary food facility, satellite food distribution facility, stationary mobile food preparation unit, and mobile food preparation unit.

(2) Any place used in conjunction with the operations described in paragraph (1), including, but not limited to, storage facilities for food-related utensils, equipment, and materials.

(3) A certified farmers' market, for purposes of permitting and enforcement.

(b) "Food facility" does not include any of the following:

(1) A cooperative arrangement wherein no permanent facilities are used for storing or handling food, or a private home, church, private club, or other nonprofit association that gives or sells food to its members and guests at occasional events, as defined in Section 113825, or a for-profit entity that gives or sells food at occasional events, as defined in Section 113825, for the benefit of a nonprofit association, if the for-profit entity receives no monetary benefit, other than that resulting from recognition for participating in the event.

(2) Premises set aside for winetasting, 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.

113790. "Food preparation" means packaging, processing, assembling, portioning, or any operation that changes the form, flavor, or

consistency of food, but does not include trimming of produce.

113825. "Occasional event" means an event that occurs not more than three days in any 90-day period.

113835. "Permit" means a written authorization to operate issued by a local enforcement officer.

113840. "Person" means any individual, firm, partnership, joint venture, association, limited liability company, corporation, estate, trust, receiver, syndicate, city, county, or other political subdivision, or any other group or combination acting as a unit.

113844. "Potable water" means water that complies with the standards for transient noncommunity water systems pursuant to the California Safe Drinking Water Act (Chapter 4 (commencing with Section 116275) of Part 12), to the extent permitted by federal law.

113845. "Potentially hazardous food" means food that is in a form capable of (1) supporting rapid and progressive growth of infectious or toxigenic microorganisms that may cause food infections or food intoxications, or (2) supporting the growth or toxin production of *Clostridium botulinum*. "Potentially hazardous food" does not include foods that have a pH level of 4.6 or below, foods that have a water activity (aw) value of 0.85 or less under standard conditions, food products in hermetically sealed containers processed to meet the commercial sterility standard, as defined in Section 113.3(e) of Title 21 of the Code of Federal Regulations, or food that has been shown by appropriate microbial challenge studies approved by the enforcement agency not to support the rapid and progressive growth of infectious or toxigenic microorganisms that may cause food infections or food intoxications, or the growth and toxin production of *Clostridium botulinum*.

113847. "Premises" means the food facility, its contents, and the contiguous land or property and its facilities and contents that are under the control of the permitholder that may impact food establishment personnel, facilities, or operations.

113850. "Produce" means any fruit or vegetable in its raw or natural state.

113857. "Ready-to-eat food" means food that is in a form that is edible without additional washing, cooking, or preparation by the food facility or the consumer and that is reasonably expected to be

consumed in that form.

113875. "Retail" means the storing, preparing, serving, manufacturing, packaging, transporting, salvaging, or otherwise handling food for dispensing or sale directly to the consumer.

113877. "Sanitization" means the application of heat or approved chemical sanitizer on cleaned food contact surfaces.

113895. (a) "Temporary food facility" means a food facility operating out of temporary facilities approved by the enforcement officer at a fixed location for a period of time not to exceed 25 consecutive or nonconsecutive days in any 90-day period in conjunction with a single, weekly, or monthly community event, as defined in subdivision (b).

(b) "Community event" means an event that is of a civic, political, public, or educational nature, including state and county fairs, city festivals, circuses, and other similar events as determined by the local enforcement agency. "Community event" shall not include a swap meet, flea market, swap mall, seasonal sporting event, grand opening celebration, anniversary celebration, or similar functions.

113900. "Mobile food facility" means any conveyance, used in conjunction with the service of a commissary or other approved facility upon which prepackaged food or approved nonprepackaged food is sold or offered for sale at retail. "Mobile food facility" does not include a mobile food preparation unit or a stationary mobile food preparation unit.

113908. "Prepackaged food" means any properly labeled processed food, prepackaged to prevent any direct human contact with the food product upon distribution from the manufacturer, and prepared at a facility approved by the enforcement agency.

ARTICLE 6. GENERAL SANITATION REQUIREMENTS

113980. All food shall be manufactured, produced, prepared, compounded, packed, stored, transported, kept for sale, and served so as to be pure, free from contamination, adulteration, and spoilage; shall have been obtained from approved sources; shall otherwise be fully fit for human consumption; and shall conform to the applicable provisions of the Sherman Food, Drug, and Cosmetic Law (Part 5 (commencing with Section 109875)).

ARTICLE 11. MOBILE FOOD FACILITIES

114250. This article governs sanitation requirements for mobile food facilities as defined in Section 113900.

ARTICLE 13. TEMPORARY FOOD FACILITIES

114310. This article governs sanitation requirements for temporary food facilities as defined in this chapter.

114311. Except as otherwise set forth in this article, temporary food facilities shall meet the applicable requirements in Article 6 (commencing with Section 113975) and Article 7 (commencing with Section 113990).

114312. All food that is sold, given away, or dispensed from a temporary food facility shall be from an approved source. No food prepared or stored in a private home may be used, stored, served, offered for sale, sold, or given away in a temporary food facility.

114314. In addition to the permit issued to each complying temporary food facility, a permit shall be obtained by the person or organization that is in control of any community event at which one or more temporary food facilities operates. This permit shall specify all the areas and facilities at the event site to be utilized by the temporary food facilities and the responsibilities of the person or organization issued the permit, including ensuring compliance with this article by the temporary food facilities operating at the event. Effective January 1, 2000, the person or organization in control of the event shall submit a permit application and a site plan to the local enforcement agency at least two weeks prior to the event. The site plan shall show the proposed locations of the temporary food facilities, restrooms, and all shared utensil washing, hand washing, and janitorial facilities.

ARTICLE 15. CERTIFIED FARMERS' MARKETS

114345. This article governs general sanitation requirements for certified farmers' markets, as defined in this chapter.

114350. Certified farmers' markets shall meet the provisions of Article 6 (commencing with Section 113975) and, in addition, shall meet all of the following requirements:

(a) All food shall be stored at least 15 centimeters (6 inches) off the floor or ground or under any other conditions that are approved.

(b) Food preparation is prohibited at certified farmers' markets with the exception of the food samples. Distribution of food samples is allowed provided that the following sanitary conditions exist:

(1) Samples shall be kept in approved, clean, covered containers.

(2) All food samples shall be distributed by the producer in a sanitary manner.

(3) Clean, disposable plastic gloves shall be used when cutting food samples.

(4) Food intended for sampling shall be washed, or cleaned in another manner, of any soil or other material by potable water in order that it is wholesome and safe for consumption.

(5) Potable water shall be available for hand washing and sanitizing as approved by the local enforcement agency.

(6) Potentially hazardous food samples shall be maintained at or below 45 degrees Fahrenheit. All other food samples shall be disposed of within two hours after cutting.

(7) Utensil and hand washing water shall be disposed of in a facility connected to the public sewer system or in a manner approved by the local enforcement agency.

(8) Utensils and cutting surfaces shall be smooth, nonabsorbent, and easily cleaned or disposed of as approved by the local environmental health agency.

(c) Approved toilet and hand washing facilities shall be available within 60 meters (200 feet) of the premises of the certified farmers' market or as approved by the enforcement officer.

(d) No live animals, birds, or fowl shall be kept or allowed within 6 meters (20 feet) of any area where food is stored or held for sale. This subdivision does not apply to guide dogs, signal dogs, or service dogs when used in the manner specified in Section 54.1 of the Civil Code.

(e) All garbage and rubbish shall be stored, and disposed of, in a manner approved by the enforcement officer.

(f) Notwithstanding Article 11 (commencing with Section 114250), vendors selling food adjacent to, and under the jurisdiction and management of, a certified farmers' market may store, display, and sell from a table or display fixture apart from the vehicle, in a manner approved by the local enforcement agency.

(g) Notwithstanding Section 113895, temporary food facilities may be operated as a separate event adjacent to, and in conjunction with, certified farmers' markets that are operated as a community event by a nonprofit organization or a local government agency. The organization in control of the event at which one or more temporary food facilities operate shall comply with Section 114314.

114351. Raw shell eggs may be stored and displayed without refrigeration if all of the following conditions are met:

(a) The eggs were produced by poultry owned by the seller and collected on the seller's property.

(b) The eggs are not placed in direct sunlight during storage or display.

(c) Retail egg containers are prominently labeled "REFRIGERATE AFTER PURCHASE" or the seller posts a conspicuous sign advising consumers that the eggs are to be refrigerated as soon as practical after purchase.

(d) Retail egg containers are conspicuously identified as to the date of the pack.

(e) The eggs have been cleaned and sanitized.

(f) The eggs are not checked, cracked, or broken.

(g) Any eggs that are stored and displayed at temperatures of 90 degrees Fahrenheit or below and that are unsold after four days from the date of pack shall be stored and displayed at an ambient temperature of 7 degrees Celsius (45 degrees Fahrenheit) or below, diverted to pasteurization, or destroyed in a manner approved by the enforcement agency.

(h) Any eggs that are stored and displayed at temperatures above 90 degrees Fahrenheit that are unsold after four days from the date of pack shall be diverted to pasteurization or destroyed in a manner approved by the enforcement agency.

(i) This section shall become operative on January 1, 1998.