

ASSEMBLY BILL

No. 1372

Introduced by Assembly Member Feuer

February 27, 2009

An act relating to health facilities. to add Article 1.5 (commencing with Section 112056) to Chapter 4 of Part 6 of Division 104 of the Health and Safety Code, relating to food safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 1372, as amended, Feuer. ~~Long-term health care facilities: ratings.~~ *Food processing establishments: hazard analysis and critical control points plans.*

Under existing law, the California Food Sanitation Act, a food processing establishment is required to satisfy prescribed sanitation requirements for purposes of food safety. A violation of these provisions is a misdemeanor:

This bill would require a food processing establishment to adopt and implement a Hazard Analysis and Critical Control Points Plan (HACCPP), as prescribed, including provisions for the testing of food and ingredients for the presence of specified hazards to public health. The bill would also impose reporting and recordkeeping requirements on food processing establishments, as specified.

This bill would require the State Department of Public Health to establish minimum standards and requirements for the HACCPPs, and review adopted plans for compliance. This bill would also require the department to conduct inspections, as prescribed, and would authorize the department to require a food processing establishment to test its food and ingredients, as prescribed.

Because this bill would create a new crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Under existing law, the State Department of Public Health licenses and regulates health facilities, including long term health care facilities. Violation of these provisions is a crime.~~

~~This bill would state the intent of the Legislature to enact legislation that would require the State Department of Public Health to institute a facility rating guide for long term health care facilities and to post the ratings in the facilities and on the department's Internet Web site.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 1.5 (commencing with Section 112056) is
2 added to Chapter 4 of Part 6 of Division 104 of the Health and
3 Safety Code, to read:

4
5 Article 1.5. Hazard Analysis and Critical Control Points Plan

6
7 112056, (a) A food processing establishment in this state that
8 generates more than _____ dollars (\$_____) of gross annual revenue
9 shall adopt and implement a Hazard Analysis and Critical Control
10 Points Plan (HACCPP), as prescribed by the department.

11 (b) The HACCPP that is adopted by the food processing
12 establishment shall, at a minimum, provide for the following:

13 (1) Describe the procedures used at the establishment to prevent
14 the presence of hazards, including, but not limited to, poisonous
15 or deleterious substances or other contaminants that may render
16 finished foods or ingredients manufactured at the establishment
17 injurious to health. The procedures should include, but not be
18 limited to, preventive controls, monitoring to ensure the
19 effectiveness of preventive controls, and records of corrective

1 actions, including actions taken in response to the presence of
2 known hazards.

3 (2) Provide for regular testing of samples or specimens of food
4 and ingredients at the establishment for the presence of poisonous
5 or deleterious substances or other contaminants that may render
6 the food and ingredients injurious to health.

7 (3) Establish testing standards and procedures that shall be, at a
8 minimum, consistent with standards presented in the federal Food
9 and Drug Administrations 'Bacterial Analytical Manual and
10 standards developed by the Association of Analytical Communities
11 International, International Organization for Standardization, in
12 effect on December 31, 2009.

13 112057. (a) A food processing establishment shall report to the
14 department, within 24 hours, any test result that is positive for
15 poisonous or deleterious substances or other contaminants.

16 (b) A food processing establishment shall maintain a record of all
17 testing that is conducted pursuant to this article for a period of not
18 less than two years. The food processing establishment shall make
19 these records available to the department for inspection upon
20 request.

21 (c) A food processing establishment shall allow the department
22 to have complete access to its establishment and any vehicle being
23 used to transport or hold food or ingredients from the
24 establishment, during all hours of operation and other reasonable
25 hours, for any of the following purposes:

26 (1) Inspection of the establishment or vehicle, or both.

27 (2) Inspection and review of records regarding pathogen
28 destruction.

29 (3) Inspection and review of records of testing conducted
30 pursuant this article.

31 (4) Securing a sample or specimen of a food or ingredient, or
32 both, after paying or offering to pay for the sample or specimen.

33 112058. (a) The department, in enforcing this article, shall do all
34 of the following:

35 (1) Promulgate rules and regulations that establish minimum
36 standards and requirements for a HACCPP.

37 (2) Review all HACCPPs, as adopted by the food processing
38 establishment, for purposes of determining that the HACCPP meets
39 the requirements of Section 112056 and any applicable rules and
40 regulations

1 (3) Conduct inspections to ensure that a food processing
2 establishment is in compliance with its HACCPP.

3 (b) The department, upon reasonable grounds to suspect that
4 identifiable food or ingredients, or both, at a food processing
5 establishment may be injurious to health, may order that
6 establishment to test samples or specimens of its food or
7 ingredients, or both, for the presence of any poisonous or
8 deleterious substances or other contaminants.

9 SEC. 2. No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution because
11 the only costs that may be incurred by a local agency or school
12 district will be incurred because this act creates a new crime or
13 infraction, eliminates a crime or infraction, or changes the penalty
14 for a crime or infraction, within the meaning of Section 17556 of
15 the Government Code, or changes the definition of a crime within
16 the meaning of Section 6 of Article XIII B of the
17 California Constitution.

18 ~~SECTION 1. It is the intent of the Legislature to enact~~
19 ~~legislation that would require the State Department of Public~~
20 ~~Health to institute a facility rating guide for long term health care~~
21 ~~facilities and to post the ratings in the facilities and on the~~
22 ~~department's Internet Web site.~~