



Date: November 15, 2013

To: CC Carter, Director  
Student Life and Leadership

From: J. Marvin Pratt, Director  
Department of Environmental Health and Safety

Re: Food Preparation and Vending On-Campus

Recently, the Department of Environmental Health and Safety (EHS) reviewed the student food vending activities at some of the locations where student groups have set-up routine vending activities. These activities are not the single event fundraising activities like BBQs and bake sales. These activities include the sale of coffee, pastries, and refrigerated items. After reviewing the activities, the California Retail Food Code, and consulting with Butte County Environmental Health, (our local enforcement agency), we have come to the conclusion these activities are not in compliance with regulations. Some select definitions have been included below to allow readers a better understanding of what activities are covered under the Retail Food Code.

The California Retail Food Code requires that food and beverages be prepared in a permitted commercial kitchen. Even the preparation and dispensing of coffee is considered food preparation under the Code. In addition, the Code requires that all utensils and equipment be cleaned and sanitized daily in a permitted facility. Mobile food facilities (carts) must operate in conjunction with a permitted facility (referred to as "Commissary") or a permitted mobile support unit. These preparation and vending operations should be directed to a commercial kitchen for preparation and cleaning, or the food and drinks should be purchased from a licensed vender and sold prepackaged or in disposable containers.

At this time, all preparation and vending of foods that are not prepackaged, including coffee, other than the fundraising BBQ type activities currently permitted through EHS, should be discontinued. We apologize for any inconvenience this may cause you and/or your groups.

Select definitions from the California Retail Food Code. Bold type added for readability.

113734. "**Approved**" mean 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

(Note: In Butte County, the enforcement agency is Butte County Environmental Health.)

113739. **"Beverage"** means a liquid for drinking, including water.
113751. **"Commissary"** means a food facility that services mobile food facilities, mobile support units, or vending machines where any of the following occur:
- (a) Food, containers, or supplies are stored.
  - (b) Food is prepared or prepackaged for sale or service at other locations.
  - (c) Utensils are cleaned.
  - (d) Liquid and solid wastes are disposed, or potable water is obtained.

113781. **"Food"** means a raw, cooked, or processed edible substance, ice, beverage, an ingredient used or intended for use or for sale in whole or in part for human consumption, and chewing gum.

113789. (a) **"Food Facility"** means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level, including but not limited to, the following:

- (1) An operation where food is consumed on or off the premises, regardless of whether there is a charge for the food.
- (2) Any place used in conjunction with the operations described in this subdivision, including, but not limited to, storage facilities for food-related utensils, equipment, and materials.

(b) **"Food Facility" includes** permanent and non-permanent food facilities, including but not limited to, the following:

- (1) Public and private school cafeterias.
- (2) Restricted food service facilities.
- (3) Licensed health care facilities.
- (4) Commissaries.
- (5) Mobile food facilities.
- (6) Mobile support units.
- (7) Temporary food facilities.
- (8) Vending machines.
- (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:

- (1) A cooperative arrangement wherein no permanent facilities are used for storing or handling food.
- (2) A private home.
- (3) A church, private club, or other nonprofit association that gives or sells food to its members and guests, and not to the general public, at an event that occurs not more than three days in any 90-day period.
- (4) A for-profit entity that gives or sells food at an event that occurs not more than three days in a 90-day period for the benefit of a nonprofit association, if the for-profit entity receives no monetary benefit, other than that resulting from recognition from participating in an event.

- (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, 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 non-potentially hazardous beverages, is offered for sale for onsite consumption and no food, except for crackers, is served.
- (6) Premises operated by a producer, selling or offering for sale only whole produce grown by the producer, or shell eggs, or both, provided the sales are conducted on premises controlled by the producer.
- (7) A commercial food processing plant as defined in Section 111955.
- (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.
- (11) A residential care facility for the chronically ill, which has the same meaning as a residential care facility, as defined in Section 1568.01.
- (12) Premises set aside by a beer manufacturer, as defined in Section 25000.2 of the Business and Professions Code, that comply with Section 118375, for the purposes of beer tasting, regardless of whether there is a charge for the beer tasting, if no other beverage, except for beer and prepackaged non-potentially hazardous beverages, is offered for sale for onsite consumption, and no food, except for crackers or pretzels, is served.

113791. **"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.

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.

113839. **"Non-permanent food facility"** means a food facility that operates from a mobile unit or at a non-permanent location, including but not limited to, a certified farmers' market, a mobile food facility, a mobile support unit, a temporary food facility, or a vending machine.

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 approved source.

cc: Provost Belle Wei  
 Vice-President Drew Calandrella  
 Vice-President Lorraine 8. Hoffman