



Legislation Text

File #: 18-0468, **Version:** 1

Health and Human Services Agency and Environmental Management Department, recommending the Board:

- 1) Adopt and authorize the Chair to sign Resolution **126-2018** expressing the County's opposition to AB-626 California Retail Food Code: microenterprise home kitchen operations (E. Garcia and Arambula), proposed expansion to the cottage food law; and
- 2) Authorize submittal of said Resolution to State Legislative representatives; and
- 3) Authorize the County of El Dorado's Public Health Officer and/or the Director of Environmental Management to testify before State Legislative representatives regarding opposition to AB-626.

FUNDING: NA

DEPARTMENT RECOMMENDATION:

Health and Human Services Agency (HHS) recommending the Board adopt and authorize the Chair to sign the attached Resolution **126-2018**, thereby expressing the Board's opposition to AB-626 California Retail Food Code: microenterprise home kitchen operations (E. Garcia and Arambula), proposed expansion of the cottage food law. In addition, HHS recommending the Board authorize the submittal of the Resolution to the State Legislature, and authorize the County of El Dorado's Public Health Officer and/or the Department of Environmental Management to engage with Congressman Tom McClintock regarding opposition to AB-626.

DISCUSSION / BACKGROUND:

AB-626 California Retail Food Code: microenterprise home kitchen operations was first introduced to the State Legislature on February 14, 2017. Currently, AB-626 is located in the Senate, with the Senate Health Committee, and was last amended on May 9, 2018. AB-626 permits microenterprise home kitchen operations (MEHKO) to sell home cooked food to the public under specified situations. In 2012, California enacted the California Homemade Food Act to regulate the production and sale of certain non-potentially hazardous foods prepared in a home kitchen. This law is commonly known as the cottage food law. AB-626 proposes to expand the cottage food law to allow retail sales of potentially hazardous food in MEHKOs that would be unregulated and prepared in uninspected home kitchens.

The Health Officers Association of California (HOAC), the County Health Executives Associate of California (CHEAC), the California Conference of Directors of Environmental Health (CCDEH), and the California Conference of Local Health Officers (CCLHO) all oppose this bill because of concerns about the potentially hazardous foods in home kitchens. MEHKOs will be challenged with cooking, cooling, and reheating potentially hazardous foods, and ensuring appropriate temperature controls, which are challenging endeavors in commercial kitchens that have appropriate equipment, facilities, and trained staff. The challenges increase drastically in a MEHKO which put the public at risk for foodborne illness.

In 2015, the Centers for Disease Control and Prevention (CDC) reported that foodborne disease due to known pathogens are estimated to cause 9.4 million illnesses each year in the United States. Also

in 2015, the United States Department of Agriculture estimated the medical costs of six common foodborne illnesses to California exceeded \$50 million. Expanding restaurant operations to MEKOHs will likely result in increased incidences of foodborne illness, leading to higher medical and lost productivity costs. In addition, when outbreaks occur, local health departments must conduct costly investigations, impacting county resources.

ALTERNATIVES:

The Board could decline to adopt the Resolution and not permit the Public Health Officer and/or the Director of Environmental Management to engage with Congressman Tom McClintock.

OTHER DEPARTMENT / AGENCY INVOLVEMENT:

County Counsel and Department of Environmental Management.

CAO RECOMMENDATION:

It is recommended that the Board approve this item.

FINANCIAL IMPACT:

There is no Net County Cost associated with this Agenda item.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) Clerk of the Board to obtain signature of Chair on one (1) original Resolution.
- 2) Clerk of the Board to return one (1) certified Resolution and one (1) certified Minute Order to HHS contracts Unit at 3057 Briw Road, Suite B.

STRATEGIC PLAN COMPONENT:

NA

CONTACT

Patricia Charles-Heathers, Ph.D., M.P.A., Director