

Temporary Food Facilities Regulations from California Retail Food Code Revised Effective January 1, 2023

Chapter 10.5 Nonprofit Charitable Temporary Food Facilities

114332. Nonprofit charitable temporary food facility

This article governs sanitation requirements for NONPROFIT CHARITABLE TEMPORARY FOOD FACILITIES.

114332.1. Frequency and duration of operations

NONPROFIT CHARITABLE TEMPORARY FOOD FACILITIES may operate up to four times annually. These four time periods shall not exceed 72 hours each.

114332.2. Handwashing, utensil washing, liquid waste, toilet, food contact surface requirement

- (a) Except where all FOOD and BEVERAGE is prepackaged, handwashing, and WAREWASHING facilities approved by the ENFORCEMENT OFFICER shall be provided for NONPROFIT CHARITABLE TEMPORARY FOOD FACILITIES. Each NONPROFIT CHARITABLE TEMPORARY FOOD FACILITY shall be equipped with a handwashing facility. Based on local environmental conditions, location, and similar factors, the local ENFORCEMENT AGENCY may, in lieu of WAREWASHING facilities, allow a NONPROFIT CHARITABLE TEMPORARY FOOD FACILITY operating no more than four hours per day at a single event to provide an adequate supply of UTENSILS and spare UTENSILS when they have been properly washed and sanitized at an approved FOOD FACILITY and are stored and kept free of becoming soiled or contaminated.
- (b) Facilities for the sanitary disposal of all liquid waste shall be subject to the approval of the ENFORCEMENT OFFICER.
- (c) At least one toilet facility for each 15 EMPLOYEES shall be provided within 60 meters (200 feet) of each NONPROFIT CHARITABLE TEMPORARY FOOD FACILITY.
- (d) FOOD contact surfaces shall be SMOOTH, EASILY CLEANABLE, and nonabsorbent.

114332.3. Operational requirements

- (a) No POTENTIALLY HAZARDOUS FOOD or BEVERAGE stored or prepared in a private home may be offered for sale, sold, or given away from a NONPROFIT CHARITABLE TEMPORARY FOOD FACILITY. POTENTIALLY HAZARDOUS FOOD shall be prepared in a FOOD establishment or on the PREMISES of a NONPROFIT CHARITABLE TEMPORARY FOOD FACILITIES.
- (b) All FOOD and BEVERAGE shall be protected at all times from unnecessary handling and shall be stored, displayed, and served so as to be protected from contamination.
- (c) POTENTIALLY HAZARDOUS FOOD and BEVERAGE shall be maintained at or below 7 degrees Celsius (45 degrees Fahrenheit) or at or above 57.2 degrees Celsius (135 degrees Fahrenheit) at all times.
- (d) Ice used in BEVERAGES shall be protected from contamination and shall be maintained separate from ice used for refrigeration purposes.
- (e) All FOOD and FOOD containers shall be stored off the floor on shelving or pallets located within the facility.
- (f) Smoking a tobacco product is prohibited in NONPROFIT CHARITABLE TEMPORARY FOOD FACILITIES.
- (g)

- (1) Except as provided in paragraph (2), live animals, birds, or fowl shall not be kept or allowed in NONPROFIT CHARITABLE TEMPORARY FOOD FACILITIES.
 - (2) Paragraph (1) does not prohibit the presence, in any room where FOOD is served to the public, guests, or patrons, of a guide dog, signal dog, or service dog, as defined by Section 54.1 of the Civil Code, accompanied by a totally or partially blind PERSON, deaf PERSON, PERSON whose hearing is impaired, or handicapped PERSON, or dogs accompanied by PERSONS licensed to train guide dogs for the blind pursuant to Chapter 9.5 (commencing with Section 7200) of Division 3 of the Business and Professions Code.
 - (3) Paragraph (1) does not apply to dogs under the control of uniformed law enforcement officers or of uniformed EMPLOYEES of private patrol operators and operators of a private patrol service who are licensed pursuant to Chapter 11.5 (commencing with Section 7580) of Division 3 of the Business and Professions Code, while these EMPLOYEES are acting within the course and scope of their employment as private patrol PERSONS.
 - (4) The PERSONS and operators described in paragraphs (2) and (3) are liable for any damage done to the PREMISES or facilities by the dog.
 - (5) The dogs described in paragraphs (2) and (3) shall be EXCLUDED from FOOD PREPARATION and UTENSIL wash areas. Aquariums and aviaries shall be allowed if enclosed so as not to create a public health problem.
- (h) All garbage shall be disposed of in a sanitary manner.
 - (i) EMPLOYEES preparing or handling FOOD shall wear clean clothing and shall keep their hands clean at all times.
 - (j) For purposes of this section, "smoking" has the same meaning as in subdivision (d) of Section 22950.5 of the Business and Professions Code.
 - (k) For purposes of this section, "tobacco product" means a product or device as defined in subdivision (d) of Section 22950.5 of the Business and Professions Code.

114332.4. Additional requirements

The ENFORCEMENT OFFICER may establish additional structural or operational requirements as necessary to ensure that FOOD is of a safe and sanitary quality.

114332.5. Open-air barbecue

OPEN-AIR BARBECUE facilities may be operated adjacent to NONPROFIT CHARITABLE TEMPORARY FOOD FACILITIES, and shall be subject to the requirements of Article 9 (commencing with Section 114185).

114332.7. Authority to inspect and require permits

Nothing in this article shall prevent a local ENFORCEMENT AGENCY from performing inspections of, or requiring PERMITS for, any NONPROFIT CHARITABLE TEMPORARY FOOD FACILITY to ensure compliance with FOOD safety provisions contained in this chapter.

CHAPTER 10.6. Limited Service Charitable Feeding Operation

114333.

- (a)
 - (1) Except as specified in subdivision (b), A LIMITED SERVICE CHARITABLE FEEDING OPERATION shall not provide FOOD service unless it has registered with the local ENFORCEMENT AGENCY in a manner prescribed by that agency, including, but not

limited to, payment of a fee not to exceed the reasonable costs of administering and enforcing this chapter if that fee is imposed by the agency.

- (2) A LIMITED SERVICE CHARITABLE FEEDING OPERATION that is subject to registration shall submit to the local ENFORCEMENT AGENCY all of the following information:
 - (A) The name, physical address, Internet Web site, and telephone number of the NONPROFIT CHARITABLE ORGANIZATION conducting the LIMITED SERVICE CHARITABLE FEEDING OPERATION.
 - (B) The name and contact information of a site representative of the LIMITED SERVICE CHARITABLE FEEDING OPERATION.
 - (C) The operating days and hours of the LIMITED SERVICE CHARITABLE FEEDING OPERATION.
- (b)
- (1)
 - (A) A LIMITED SERVICE CHARITABLE FEEDING OPERATION that performs the function described in paragraph (1) of, and does not perform the functions described in paragraphs (2) to (4), inclusive, of, subdivision (a) of Section 113819, shall be exempt from the requirements described in subdivision (a) regardless of whether it operates in conjunction with a FOOD BANK as described in subparagraph (B).
 - (B) A LIMITED SERVICE CHARITABLE FEEDING OPERATION that performs the function described in paragraph (4) of, and does not perform the functions described in paragraphs (2) and (3) of, subdivision (a) of Section 113819, and that operates in conjunction with a FOOD BANK that has a valid operating PERMIT issued by the local ENFORCEMENT AGENCY or the State Department of Public Health shall be exempt from the requirements described in subdivision (a).
 - (C) A LIMITED SERVICE CHARITABLE FEEDING OPERATION that performs the function described in paragraph (2) or (3) of subdivision (a) of Section 113819, or the function described in paragraph (4) of subdivision (a) of Section 113819 without operating in conjunction with a FOOD BANK as described in subparagraph (B), shall be subject to the requirements described in subdivision (a).
 - (2)
 - (A) For purposes of subparagraph (B) of paragraph (1), the FOOD BANK shall ensure that the LIMITED SERVICE CHARITABLE FEEDING OPERATION is operating under a current agreement with the FOOD BANK and is compliant with the FOOD BANK's best management practices approved by the local ENFORCEMENT AGENCY.
 - (B) On at least an annual basis, or more frequently if requested by the local ENFORCEMENT AGENCY, the FOOD BANK shall submit to the local ENFORCEMENT AGENCY a current list of the LIMITED SERVICE CHARITABLE FEEDING OPERATIONS that operate in conjunction with that FOOD BANK.
- (c) Notwithstanding any other law, a LIMITED SERVICE CHARITABLE FEEDING OPERATION shall be exempt from the requirements of this part, except as set forth in this chapter.
- (d) A LIMITED SERVICE CHARITABLE FEEDING operation shall comply with all of the following:
- (1) Chapter 1 (commencing with Section 113700).
 - (2) Chapter 2 (commencing with Section 113728).

- (3) Sections 113952, 113953.1, 113953.2, 113953.3, 113980, 113982, 113984, 113988, 113990, 113992, 113996, 113998, 114000, 114002, 114002.1, 114014, 114016, 114018, 114020, 114021, 114023, 114024, 114025, 114027, 114031, 114035, 114037, 114041, 114047, 114049, 114051, 114053, 114055, and 114079.
- (4) Article 2 (commencing with Section 114390) and Article 3 (commencing with Section 114405) of Chapter 13. A registration issued pursuant to this chapter shall have the same meaning as provided in subdivision (b) of Section 113851.
- (5) Best management practices approved by the local ENFORCEMENT AGENCY.
- (6) Limitations on the duration of FOOD service, as determined by the local ENFORCEMENT AGENCY based on the requirements set forth in paragraphs (1) to (5), inclusive.
- (e) A LIMITED SERVICE CHARITABLE FEEDING OPERATION may prepare and distribute FOOD from a nonresidential building or structure that meets minimum structural and operating requirements as determined by the local ENFORCEMENT AGENCY.
- (f) A LIMITED SERVICE CHARITABLE FEEDING OPERATION may distribute FOOD in an outdoor location, not in or adjacent to the registered location, in compliance with the approved best management practices and subject to approval by the local ENFORCEMENT AGENCY. FOOD service under this subdivision shall be limited to no more than four hours per day.

114333.1. Intent of section

Nothing in this chapter is intended to replace or supersede a PERMIT for any FOOD FACILITY when required by the local ENFORCEMENT AGENCY pursuant to any other law.

114333.2. Cost Recovery

The local ENFORCEMENT AGENCY may recover the reasonable regulatory costs of the administration, implementation, investigation, and enforcement of this chapter from a LIMITED SERVICE CHARITABLE FEEDING OPERATION.

Chapter 11. Temporary Food Facilities

114335. Applicable requirements

- (a) TEMPORARY FOOD FACILITIES that operate at a SWAP MEET are limited to only PREPACKAGED nonPOTENTIALLY HAZARDOUS FOOD and whole uncut PRODUCE, and shall meet the applicable requirements in Chapter 1 (commencing with Section 113700) to Chapter 8 (commencing with Section 114250), inclusive, and Chapter 13 (commencing with Section 114380), unless specifically exempted from any of these provisions.
- (b) TEMPORARY FOOD FACILITIES that operate at a COMMUNITY EVENT shall meet the applicable requirements in Chapter 1 (commencing with Section 113700) to Chapter 8 (commencing with Section 114250), inclusive, and Chapter 13 (commencing with Section 114380), unless specifically exempted from any of these provisions.
- (c) FOOD FACILITY requirements shall be determined by the ENFORCEMENT AGENCY based on the FOOD service activity to be conducted, the type of FOOD that is to be prepared or served, the length of the event, and the extent of FOOD PREPARATION that is to be conducted at a COMMUNITY EVENT within a TEMPORARY FOOD FACILITY.
- (d) Notwithstanding subdivision (a), the ENFORCEMENT AGENCY may allow TEMPORARY FOOD FACILITIES at a SWAP MEET, depending on the FOOD service activity to be conducted, the type

of FOOD that is to be prepared or served, the duration of the SWAP MEET, and the extent of FOOD PREPARATION that is to be conducted at the SWAP MEET.

114337. Identification of operator

The name of the facility, city, state, ZIP Code, and name of the operator shall be legible and clearly visible to patrons. The facility name shall be in letters at least three inches high, and shall be of a color contrasting with the surface on which it is posted. Letters and numbers for the city, state, and ZIP Code, may not be less than one inch in height.

114339. Food from an approved source

- (a) No home canned or home processed FOODs shall be permitted within a TEMPORARY FOOD FACILITY.
- (b) Notwithstanding subdivision (a), nonPOTENTIALLY HAZARDOUS BEVERAGES and baked goods may be offered for sale, sold, or given away by a NONPROFIT CHARITABLE ORGANIZATION or by an established club or organization that operates under the authorization of a school or educational facility for fundraising purposes at COMMUNITY EVENTS.

114341. Food preparation at community events

- (a) Notwithstanding Section 113984, all FOOD PREPARATION at a COMMUNITY EVENT shall be conducted within the TEMPORARY FOOD FACILITY or other APPROVED FOOD FACILITY.
- (b) Barbecues, grills or other EQUIPMENT APPROVED for outdoor cooking may be located adjacent to the TEMPORARY FOOD FACILITY if local building and fire codes prohibit cooking inside the TEMPORARY FOOD FACILITY.
- (c) Grills and barbecues or other APPROVED cooking EQUIPMENT shall be separated from public access by using ropes or other APPROVED methods to prevent contamination of the FOOD and injury to the public.

114343. Holding temperatures – potentially hazardous food

- (a) Except as otherwise provided in Section 113996, during operating hours of the TEMPORARY FOOD FACILITY, POTENTIALLY HAZARDOUS FOOD may be held at a temperature not to exceed 45°F for up to 12 hours in any 24-hour period.
- (b) At the end of the operating day, POTENTIALLY HAZARDOUS FOOD that is held at 45°F shall be destroyed in a manner APPROVED by the ENFORCEMENT AGENCY.
- (c) At the end of the operating day, POTENTIALLY HAZARDOUS FOOD that is held at or above 135°F shall be destroyed in a manner APPROVED by the ENFORCEMENT OFFICER.

114345. Hot and cold beverage counter

TEMPORARY FOOD FACILITIES may include a staffed counter that serves hot and cold BEVERAGES and ice that are not POTENTIALLY HAZARDOUS FOOD and that are dispensed from APPROVED bulk dispensing units.

114347. Floors

TEMPORARY FOOD FACILITIES that handle nonPREPACKAGED FOOD shall provide floors constructed of concrete, asphalt, tight wood, or other similar cleanable material kept in good repair.

114349. Ceilings and outer exclusionary barriers

- (a) TEMPORARY FOOD FACILITIES shall be equipped with overhead protection for all FOOD PREPARATION, FOOD storage, and WAREWASHING areas. Overhead protection shall be made of wood, canvas, or other materials that protect the facility from precipitation, dust, bird and insect droppings, and other contaminants.
- (b) TEMPORARY FOOD FACILITIES that handle nonPREPACKAGED FOOD shall also protect FOOD from contamination in one of the following ways:
 - (1) Enclosure of the FOOD FACILITY with 16 mesh per square inch screens.
 - (2) Limiting display and handling of nonPREPACKAGED FOOD in FOOD COMPARTMENTS.
 - (3) Other alternative, effective means APPROVED by the ENFORCEMENT OFFICER.
- (c) Notwithstanding Section 113984, this section does not apply to TEMPORARY FOOD FACILITIES that are APPROVED for LIMITED FOOD PREPARATION if flying insects, VERMIN, birds, and other pests are absent due to the location of the facility or other limiting conditions.

114351. Warewashing facilities

- (a) Notwithstanding Section 114095, a WAREWASHING sink may be shared by no more than four TEMPORARY FOOD FACILITIES that handle nonPREPACKAGED FOOD if the sink is centrally located and is adjacent to the sharing facilities.
- (b) Notwithstanding subdivision (a), based on the number and types of UTENSILS used, the local ENFORCEMENT AGENCY may allow up to eight TEMPORARY FOOD FACILITIES to share a WAREWASHING sink when easily accessible and located within 100 feet of each TEMPORARY FOOD FACILITY.
- (c) Based on local environmental conditions, location, and similar factors, the local ENFORCEMENT AGENCY may, in lieu of a warewashing sink, allow a temporary food facility operating no more than four hours per day at a single event to provide an adequate supply of utensils and spare utensils when they have been properly washed and sanitized at an approved food facility and are stored and kept free of becoming soiled or contaminated.

114353. Consumer utensils

- (a) Except as provided in subdivision (b), a TEMPORARY FOOD FACILITY shall provide only SINGLE-USE ARTICLES for use by the CONSUMER.
- (b) Notwithstanding subdivision (a), based on local environmental conditions, location, and similar factors, including the type and number of UTENSILS, as defined in Section 113934, the volume and storage of POTABLE WATER for WAREWASHING, as defined in Section 113940, and waste water capacity, storage, and disposal, the local ENFORCEMENT AGENCY may allow a TEMPORARY FOOD FACILITY to use multiuse UTENSILS that have been properly washed, rinsed, and sanitized pursuant to Chapter 5 (commencing with Section 114095), as applicable, at an approved FOOD FACILITY and are kept free of becoming soiled or contaminated.

114354. Equipment

- (a) FOOD-related and UTENSIL-related EQUIPMENT used in conjunction with a TEMPORARY FOOD FACILITY shall be APPROVED by the ENFORCEMENT AGENCY.

- (b) Cold and hot holding EQUIPMENT shall be provided to insure proper temperature control during transportation, storage, and operation of the TEMPORARY FOOD FACILITY.
- (c) EQUIPMENT shall be located and installed to prevent FOOD contamination.

114355. Ice

Ice used for refrigeration purposes shall not be used for consumption in FOOD or BEVERAGES.

114356. Storage of food, utensils and related items

- (a) Notwithstanding Section 114047, during periods of operation, supplies and nonPOTENTIALLY HAZARDOUS FOOD, in unopened containers may be stored adjacent to the TEMPORARY FOOD FACILITY or in unopened containers in an APPROVED nearby temporary storage unit. An "unopened container" means a factory SEALED container that has not been previously opened and that is suitably constructed to be resistant to contamination from moisture, dust, insects, and rodents.
- (b) During periods of inoperation, FOOD shall be stored within a fully enclosed TEMPORARY FOOD FACILITY, within a PERMANENT FOOD FACILITY or other facility APPROVED by the ENFORCEMENT AGENCY, or in APPROVED FOOD COMPARTMENTS where the FOOD is protected at all times from contamination, exposure to the elements, ingress of rodents and other VERMIN, and temperature abuse.

114358. Alternate handwashing facilities

- (a) Notwithstanding Section 113953, handwashing facilities for TEMPORARY FOOD FACILITIES that operate for three days or less may include a container capable of providing a continuous stream of water from an APPROVED SOURCE that leaves both hands free to allow vigorous rubbing with soap and WARM WATER for 10 to 15 seconds, inclusive.
- (b) TEMPORARY FOOD FACILITIES that handle only PREPACKAGED FOOD and comply with Section 113952 shall not be required to provide a handwashing facility, except as required in Section 114359.
- (c) A catch basin shall be provided to collect wastewater, and the wastewater shall be properly disposed of according to Section 114197.
- (d) Handwashing facilities shall be equipped with handwashing cleanser and single-use sanitary towels.
- (e) A separate receptacle shall be available for towel waste.

114359. Toilet facilities

- (a) At least one toilet facility for each 15 EMPLOYEES shall be provided within 200 feet of each TEMPORARY FOOD FACILITY.
- (b) Each toilet facility shall be provided with APPROVED handwashing facilities.

114361. Cleaning and servicing

TEMPORARY FOOD FACILITIES that operate for more than one day shall be cleaned and serviced by methods APPROVED by the ENFORCEMENT AGENCY.

114363. Enforcement officer discretion in imposing requirement

Based upon local environmental conditions, location, and other similar factors, the ENFORCEMENT OFFICER may establish additional structural or operational requirements, or both, as necessary to ensure that FOODs are of a safe and sanitary quality.

Handwashing Station

A handwashing station is required if any non-prepackaged foods will be handled (including samples).

Where to set up:

The hand wash station should be placed inside the booth in an unobstructed area that is easy to access and use at all times.

How to set up:

- 5 gallon insulated container of warm water (100-108°F)
- Soap in a pump dispenser
- Paper towels
- Catch basin for waste water
- Garbage bag or bin for waste paper towels

