

LEGISLATIVE DIGEST

[Health Code - Food Preparation and Service Establishment Disclosures]

Ordinance amending the Health Code to replace the requirement that food preparation and service establishments post a symbol issued by the Department of Public Health with a requirement to post a color-coded placard indicating whether the establishment has passed (green), conditionally passed (yellow), or failed (red) a health inspection; and clarifying some of the terminology pertaining to violations and remedies and penalties for same.

Existing Law

Food service and preparation establishments (“Food Establishments”), which include restaurants and other facilities that prepare and serve food to the public, are subject to inspection by the Department of Public Health (“DPH”). Currently, local law authorizes DPH to award a score to a Food Establishment at the conclusion of an inspection. The score can range between 0 to 100 points. Food Establishments are not required to post their score, but must make the inspection score card available to patrons upon request, and must post the inspection report on the premises.

Amendments to Current Law

The proposed ordinance would require Food Establishments to post a colored food safety placard. The type of placard a Food Establishment would post would depend on the number and severity of violations that are identified during an inspection, and whether the violations, if identified, are corrected at the time of the inspection.

DPH would issue a green “Pass Placard” to a Food Establishment following an inspection in which no more than one major violation is documented, provided that the violation is corrected at the time of the inspection. A major violation is a violation that poses an imminent health hazard.

DPH would issue a yellow “Conditional Pass Placard” to a Food Establishment following an inspection in which two or more major violations are documented, provided that all violations are corrected at the time of the inspection.

DPH would issue a red “Closed Placard” to a Food Establishment following an inspection in which one or more major violations are documented, provided that one or more of the violations is not corrected at the time of the inspection.

The proposed ordinance would eliminate the requirement that Food Establishments post food inspection reports on the premises.

Background Information

Several neighboring counties (Alameda, Santa Clara, Solano, Contra Costa, Butte, Marin, Sonoma, and Sacramento) have adopted placarding systems that use a familiar green, yellow, red color scheme to communicate health and safety information to patrons of Food Establishments. County health departments in the Bay Area are moving towards a unified placarding program to facilitate standardized communication between food safety regulators, businesses, and the public.

The proposed placarding program would reflect safe food handling practices. DPH conducts inspections using risk factors adopted by the U.S. Centers for Disease Control and Prevention. Examples of major violations include, but are not limited to, vermin infestations, a lack of potable water, sewage backups, and adulterated food.

n:\legana\as2019\1900480\01367195.docx