

September 7, 2018

## **California Report**

The California Department of Public Health (CDPH) has had another challenging year with new legislation, cottage foods, Cannabis versus Hemp-derived CBD oils, microenterprises, the CA EHS-Net grant project, and standardization. Provided below are the highlights for 2018 regarding legislation, standardization efforts, Cannabis versus Hemp-derived CBD oil, CA EHS-Net grant project, and the updated Cottage Food Approved Food List. CDPH would also like to continue to thank the FDA for their ongoing support and partnership as well as all of the states and agencies who provide and share information with California.

### **Legislative updates:**

#### **On the governor's desk:**

Assembly Bill (AB) 626 – Microenterprise home kitchens (MHKs) seeks to exempt home cooks who want to prepare, serve, and sell full course meals directly to consumers out of their home. This bill seeks to establish microenterprise home kitchens as a new category of retail food facility, that cities or counties would have discretion to authorize and permit, to be operated by a resident in a private home with similar requirements of a restricted food service facility. This bill provides MHKs with numerous food safety exemptions and inspections required for commercial food facilities under the California Retail Food Code.

#### **Enrolled and going to the governor's desk:**

Assembly Bill (AB) 2178 is a California Retail Food Safety Coalition (CRFSC) sponsored bill that will amend the California Retail Food Code to create a new category for limited service charitable feeding operations that are limited to non-potentially hazardous foods or reheating of commercially processed potentially hazardous foods for single day serving. These operations would be required to register with the local enforcement agency and adhere to general food safety provisions, training, and best management practices to ensure food safety. This bill would give local enforcement agencies additional flexibility when working with charitable feeding organizations that wish to feed the needy, but do not have access to a full service, permitted commercial kitchen.

#### **Enrolled and going to the governor's desk:**

Senate Bill (SB) 2524 is a California Retail Food Safety Coalition (CRFSC) sponsored bill that will expand the definition of a food facility to include a catering operation and a host facility. This bill will allow a catering operation to serve food at specified host facilities, breweries, wineries, or other locations. The bill sets food safety standards, requires catering operations and host facilities to follow specific standards and standard operating permits, and will allow catering operations to conduct direct sales to the public when working in conjunction with a host facility that contains the necessary infrastructure to support the food service.

## **Standardization efforts**

CDPH staff Retail Food Program Specialist Brenda Faw and Jeanne-Marie Weathers is actively working to assist California's local Environmental Health Services agencies on the completion of Standard 2. Recently completed Standard 2 jurisdictions include: Contra Costa County and Santa Clara County. The Counties of San Mateo and Tulare Environmental Health agencies are both scheduled to complete their standardization this fall. Their policies and procedures for standardization have been approved. The City of Berkeley Environmental Health Services agency staff is scheduled for re-standardization as resources become available. CDPH continues to support and recommend standardization to all local environmental health services agencies that have expressed interest in also becoming standardized and enrolling in the Voluntary Retail Food Program Standards. CDPH is providing guidance and information to these agencies in hopes that they will research funding opportunities provided by FDA, enroll in the Program Standards, as well as meet Program Standard 2. The Coalition of Food Protection and Safety Committee (CFPSC) have completed the update on the CRFC marking guide that is utilized by all California local enforcement agencies.

## **California EHS-Net**

CA EHS-Net is a CDC grant funded project for the purpose of building and enhancing effective partnerships and improve environmental health capacity through to build and enhance effective partnerships to improve environmental health capacity. EHS-Net food safety research activities are focused on multi-state and site-specific intervention research on food safety issues. CA EHS-Net is the National Environmental Assessment Reporting System (NEARS) California administrator responsible for the coordination, evaluation and submission of foodborne illness outbreak reported by each 62 environmental health jurisdictions. Currently CA EHS-Net is working on assisting California's local environmental health agencies with meeting Standard 5 through NEARS.

## **Cannabis verses Hemp-derived CBD oil issue**

Since the legalization of medicinal and adult-use marijuana (cannabis) in California under Proposition 64, CDPH-FDB has received numerous inquiries from food processors and retailers who were interested in using industrial hemp-derived cannabidiol (CBD) oil or CBD products in food. Although California currently allows the manufacturing and sales of cannabis products (including edibles) under the manufactured cannabis safety branch regulations, the use of industrial hemp as the source of CBD to be added to food products is prohibited. This prohibition is based on the FDA rule that industrial hemp-derived CBD oil and CBD products are not an approved food, food ingredient, food additive, or dietary supplement.

## **Cottage food update**

CDPH continues to receive and review many applications for food products to be added to the cottage food Approved Food List. CDPH continues to receive and deny many applications requesting to add categories of foods that are considered potentially hazardous food (PHF), or that require complex processing to prevent the formation of botulism or growth of food-borne pathogens, or are subject to additional regulations for food safety. CDPH has recently expanded the cottage food list to include sugared flavorings.