



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 5/16/2017

Agenda Placement: 11B

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: Alice Hughey for Leanne Link - County Executive Officer
County Executive Office

REPORT BY: Michael Karath, Staff Assistant - BOS - 299-1477

SUBJECT: Oppose AB 626 (Garcia) - Allowing the Sale of Food to Consumers from Private Homes

RECOMMENDATION

County Executive Officer on behalf of the Legislative Subcommittee requests the Board oppose AB 626 (Garcia), a bill that would allow the sale of food directly to consumers from private homes. (Unanimous vote required)

EXECUTIVE SUMMARY

AB 626 (Garcia) would include a microenterprise home kitchen operation within the definition of a food facility, and would define a microenterprise home kitchen operation to mean a food facility that is operated by a resident of a private home where food is prepared for a consumer and that meets specified requirements, including, among others, that the operation has no more than one full-time equivalent food employee and has no more than \$50,000 in verifiable gross annual sales.

Many local public health and environmental health departments oppose AB 626 because of concerns about proper food preparation and the high possibility of foodborne illnesses spread by items produced in microenterprise home kitchen enterprises, which are highly difficult to regulate. Cooking, cooling, and reheating foods, as well as ensuring appropriate hot and cold temperature controls, are challenging in a commercial kitchen even with staff training and appropriate equipment and facilities. This danger increases exponentially in a home kitchen.

CSAC: Oppose
RCRC: Oppose

PROCEDURAL REQUIREMENTS

1. Staff reports.
2. Public comments.
3. Motion, second, discussion and vote on the item.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

AB 626 (Garcia) is intended to promote small business by making it more affordable to sell homemade food goods and provide consumers with more food choices. The bill would include a microenterprise home kitchen operation within the definition of a food facility, and would define a microenterprise home kitchen operation to mean a food facility that is operated by a resident of a private home where food is prepared for a consumer and that meets specified requirements, including, among others, that the operation has no more than one full-time equivalent food employee and has no more than \$50,000 in verifiable gross annual sales. AB 626 would specify that a city or county, or city and county, shall have full discretion to authorize, by ordinance or resolution, the permitting of microenterprise home kitchen operations in accordance with the provisions of this bill.

Many local public health and environmental health departments, however, oppose AB 626 because of concerns about proper food preparation and the high possibility of foodborne illnesses spread by items produced in microenterprise home kitchen enterprises, which are highly difficult to regulate. Cooking, cooling, and reheating foods, as well as ensuring appropriate hot and cold temperature controls, are challenging in a commercial kitchen even with staff training and appropriate equipment and facilities. This danger increases exponentially in a home kitchen. When food is purchased by the public, they expect that it has been prepared to prevent pathogens. AB 626 broadens the cottage food law in a way that could put the public at risk. Furthermore, the operation of these enterprises in residential neighborhoods raises a host of other issues relating to trash, parking, noise, wastewater, septic sizing, water sources, fire hazards, and ADA accessibility, making enforcement and oversight difficult for a number of local governmental entities.

CSAC: Oppose
RCRC: Oppose

SUPPORTING DOCUMENTS

A . AB 626 - BILL TEXT

B . AB 626 - MICROENTERPRISE HOME KITCHENS - CSAC AND RCRC OPPOSE LETTER

CEO Recommendation: Approve

Reviewed By: Carlos Solorio