



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 5/8/2017

Agenda Placement: 7E

Napa County Legislative Subcommittee Board Agenda Letter

TO: Napa County Legislative Subcommittee

FROM: Molly Rattigan for Leanne Link - County Executive Officer
County Executive Office

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

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

RECOMMENDATION

County Executive Officer requests discussion of and possible action on AB 626 (Garcia), a bill that would allow the sale of food directly to consumers from private homes.

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.

The bill 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 oppose AB 626 because of concerns of proper food preparation and the high possibility of foodborne illnesses spread by items produced microenterprise home kitchen enterprises, that 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 it has been prepared within a legal framework to prevent pathogens.

CSAC: Oppose
RCRC: Oppose

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 of proper food preparation and the high possibility of foodborne illnesses spread by items produced microenterprise home kitchen enterprises, that 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 it has been prepared within a legal framework to prevent pathogens. AB 626 broadens our cottage food law in a way that would 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 AB 626, including local health departments, planning and building, fire services, and public works. including local health departments, planning and building, fire services, and public works.

CSAC: Oppose

RCRC: Oppose

SUPPORTING DOCUMENTS

A . AB 626 - BILL TEXT

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

Recommendation: Approve

Reviewed By: Molly Rattigan