

# Microenterprise Home Kitchen Operations

## Overview and Implications of AB 626

DEPUTY DIRECTOR TULARE COUNTY ENVIRONMENTAL HEALTH

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**HHSA**  
Public Health

# Microenterprise Home Kitchens Defined

Operated in a private home

Defined as a Restricted Food Service Facility

Preparation/ serving of meals and meal components

On-site consumption, take-out, and delivery

Not a catering operation

Not a cottage food operation

# Reasons for Concern

Review of the following

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UC DAVIS STUDY OF HOME  
KITCHENS



STATISTICAL FINDINGS BY  
CDC



PUBLIC HEALTH  
PROFESSIONAL  
ORGANIZATIONS OPINIONS



WORKLOAD  
IMPACTS/EMPLOYEE SAFETY

# Academic Findings

UC DAVIS STUDY

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48 % had formal food safety training

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65% did not wash their hands before touching food

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38% did not wash their hands after touching raw poultry

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10% washed their hands properly

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50% washed raw chicken spreading dangerous bacteria such as salmonella onto kitchen surfaces

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40% undercooked the raw chicken

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Thermometers were rarely used to check cooking temperature

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This study led to a coalition that developed the FightBAC campaign



## Public Health Risk

CDC Statistics 2014-2017

37 outbreaks

1,374 illnesses

261 hospitalizations

7 deaths

# Professional Organizations Opinion

Opposition by County Health Executives Association of California (CHEAC) and Health Officers Association of California (HOAC).



POTENTIALLY  
HAZARDOUS FOODS TO  
BE PREPARED AND  
SOLD TO THE PUBLIC



MORE LENIENT  
REGULATORY  
STANDARDS



INCREASED RISK OF  
FOODBORNE ILLNESS  
OUTBREAKS



CALIFORNIA COST OF  
FBI \$50 MILLION  
ANNUALLY (2015)



INCREASED COST TO  
LOCAL HEALTH  
DEPARTMENTS FOR FBI  
INVESTIGATIONS.

# Jurisdictional Agreement- City Feedback

City	Opt In/Opt Out	Concerns
Dinuba	Opt Out	Sewer clogs due to lack of grease traps, fire safety, ventilation.
Farmersville	Opt Out	Sewer clogs due to lack of grease traps, fire safety, ventilation.
Lindsay	Opt Out	Increased foodborne illness, homestyle equipment, safety, decrease in people opening store front businesses.
Tulare	Opt Out	Increased to stay in residential areas rather than encourage opening restaurants in existing city commercial store fronts such as in the downtown business district. Increased traffic in resident areas.
Tulare County RMA	Opt Out	AB 626 May allow or streamline and/or deviate from these traditional processes and are separate from cottage food type approvals. For example, special use permits and signage.
Woodlake	Opt Out	Traffic, noise, sanitation.
Visalia	Opt Out	Same concerns as other jurisdictions.
Porterville	Opt Out	Health and sanitation standards, nuisances such as noise, odors, and parking.

# Current Status of Other Counties

## Counties Opting Out (15):

- Alpine
- Contra Costa
- El Dorado
- Fresno
- Kern
- Madera
- Mariposa
- Merced
- Napa
- Nevada
- Sacramento
- Santa Clara
- Shasta
- Siskiyou
- Stanislaus

## Counties Opting In (4):

- Riverside
- Los Angeles (likely)
- Marin (likely)
- Santa Barbara (likely)



# Regulatory Comparisons

Microenterprise Home Kitchen	Commercial Food Establishment
Requires inspection prior to permit	Requires inspection prior to permit
3 types of inspection allowed	Inspection, Enforcement, Emergency (Update AB 377)
Requires reasonable notice	Unannounced during operating hours
Only inspect limited areas kitchen, toilet, food storage, dining area	Inspect entire facility for foodborne illness factors
May come back for complaints	May conduct additional inspections and complaints
Home style equipment	Commercial equipment



# Important Aspects of AB 626

Effective Jan 1, 2019

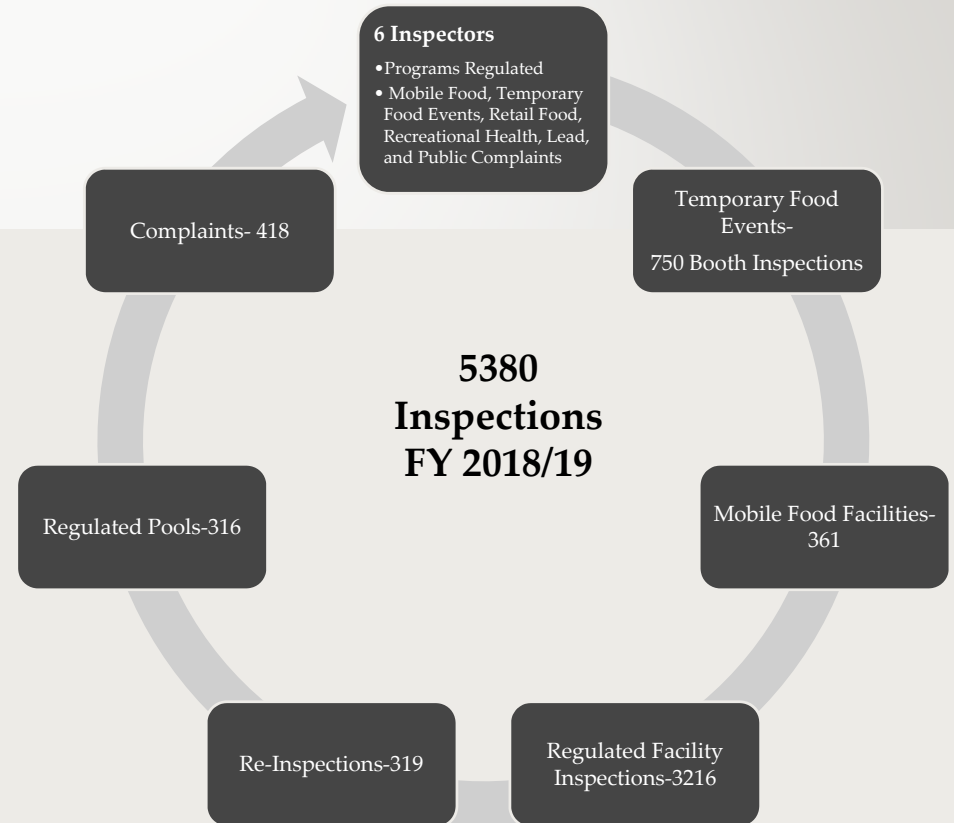
If a permit is issued by the County the permit shall be valid in any City, regardless of whether the City authorizes or prohibits (section 114367 (b) )

The governing body shall have full discretion to authorize by ordinance or resolution the permitting of Microenterprise Home Kitchens (section 114367 (a) )

Clean up bill, AB 377, includes clean up language to allow Cities to opt-out even if the County decides to create a permitting program

## Workload Impact

- 6 Dedicated REHS Inspectors
- Baked Goods → Cooked Items
- Unknown Potential Applicants
- Required Tracking/Monitoring
- Response to Complaints
- Fee - \$651 Riverside



# Employee Safety

- Administrative Concerns for Staff Safety
  - Reporting/Referrals
    - Substandard Housing
    - Mandated Reporting
  - Public vs. Private Inspections
    - Lead Example
    - Badger Example
  - Un-permitted vendor surveillance

# In Summary

- Seeking Input/Guidance from Board
- Continue to Assess Implementation in Other Counties
- Suggest Follow-up Report 6-12 Months
- Based on Current Data – Recommend Opt Out