



Legislative Background

BOS File No. 190710

<u>Name:</u>	Health Code – Food Preparation and Service Establishment Disclosures
<u>Sponsor(s):</u>	Supervisor Peskin
<u>Date Introduced:</u>	June 18, 2019
<u>Date Referred:</u>	June 27, 2019
<u>Scheduled for BOS Committee:</u>	Public Safety and Neighborhood Services Committee

Legislation Overview:

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 Laws

Food service and preparation establishments (“Food Establishments”), which include restaurants, mobile food facilities, bars or taverns, caterers and other facilities that prepare and serve food to the public, are subject to inspection by the Department of Public Health (“DPH”). Currently, DPH is authorized to award a numerical “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 replace the numerical score with a color score. The colors used would be green, yellow, and red. The colors would correspond to the number of and the severity of the violations found during the inspection and whether the violations were corrected at the time of the inspection. After inspection, DPH would issue the Food Establishment a colored placard that represents their score. The Food Establishment would be required to publicly post their placard so that it is clearly visible to patrons on the Food Establishment’s premises. In addition to the requirement that the Food Establishment publicly post their colored placard, DPH will also “strive to make all current Food Inspection Reports of Food Preparation and Service Establishments available on the Department’s website as soon as practicable”. The ordinance would become operative 30 days after enactment.

Proposed Colored Scoring System:

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.

Considerations

This legislation would align DPH's Food Establishment inspection score system with those of neighboring counties (Alameda, Santa Clara, Solano, Contra Costa, Butte, Marin, Sonoma, and Sacramento). Administering a more unified scoring program would assist in streamlining communication between food safety regulators, among other like-businesses, and the consumer.

Recommendations:

One recommended modification to the legislation would be to consider striking the “strive to” from page 11, line 4 of the legislation. This would strengthen the requirement that DPH would be mandated to post a Food Establishment’s color score as soon as practicable. The text would then read “The Department of Public Health shall make all current Food Inspection Reports of Food Preparation and Service Establishment available on the Department’s Website”.