



Environmental Health Limited Service Charitable Feeding Operations (LSCFO) AB 2178 FREQUENTLY ASKED QUESTIONS (FAQs)

According to the California Association of Food Banks, one in eight Californians currently struggles with food insecurity and one in five children in California struggles with hunger. Fortunately, our local charitable organizations have been there to help address this important community need. While everyone should have access to safe and nutritious foods, current food safety requirements often don't address the production limitations that these organizations face. As a result, current food safety laws can often end up acting as a barrier to providing food to those most in need.

Assembly Bill 2178 (AB 2178) was designed in collaboration with community organizations to address these barriers by making it easier for nonprofit charitable organizations to meet essential food-safety rules, while addressing food insecure members of our community. The bill now provides the County of Orange's Environmental Health (EH) division with certain flexibilities when working with an organization that wants to feed the needy, but doesn't have access to a permitted food facility for food preparation, storage or distribution. The bill went into effect on January 1, 2019.

Q What exactly is a Limited Service Charitable Feeding Operation (LSCFO)?

A A LSCFO is a food service operation that is conducted by a nonprofit charitable organization [one that has 501(c) status] for purposes of providing charity directly to individual consumers.

Q Does the law make it more difficult for organizations to serve food to those in need?

A To minimize challenges, the law was crafted with input from community organizations to allow for flexibility in meeting food needs while protecting public health.

Q What should an existing charitable feeding operation do under this new law?

A The initial implementation of the new law includes education and outreach with an emphasis on food safety. Existing charitable feeding operations should contact EH regarding current feeding guidelines and implementation schedule. OCEH can assist with determining the appropriate level of registration or permit for your specific operation.

Q What are the registration requirements?

A Please visit ocfoodinfo.com to obtain details on the registration requirements.

Q What if I need to get a health permit?

A Please visit ocfoodinfo.com to obtain details on the permitting requirements.

Q What are the benefits of registration?

A An LSCFO registration will allow the organization to legally operate without meeting the full permit requirements of a food facility (restaurant, grocery store, etc.). Registration also allows the operation to receive and serve donated foods from restaurants and other commercial food establishments. Benefits include:

- Food facilities may be more confident in donating food to a registered operation with the understanding that food safety is a priority.
- Access to a comprehensive set of guidelines to help ensure food safety and establishes OCEH as a resource for guidance and consultation on food safety.

Q Will inspections of LSCFOs be conducted?

A Generally, no routine inspections of the operation will be conducted. It is therefore very important to review and follow the best management practices, as approved by EH. However, an inspection may occur in response to a consumer complaint or a report of a suspected foodborne illness. EH may require an initial site visit to determine eligibility and placement in the registration program.

Q Does the law require that a health permit be obtained prior to a nonprofit charitable organization providing free food to the public?

A Not necessarily. It depends on the type of food service being conducted by the nonprofit charitable organization. Refer to the following table for a quick overview on the permitting or registration requirements.

(See the summary of these three categories on page 2)

Type of Food	Examples	No Permit or Registration	Registration Required	Health Permit Required
Storing only shelf-stable packaged, nonperishable food that is in the original manufacturer's packaging, and doesn't require refrigeration	<ul style="list-style-type: none"> • Canned or other packaged foods • Whole, fresh fruit <i>(basic food pantry)</i> 	✔		
Storing commercially prepared and packaged, potentially hazardous food for cold or frozen storage	<ul style="list-style-type: none"> • Packaged frozen or refrigerated meats • Eggs and dairy products • Frozen ready-to-eat meals <i>(food pantry with high risk foods)</i> 		✔*	
Heat, portion or assemble small volumes of commercially prepared foods or ingredients	<ul style="list-style-type: none"> • No cooking on-site • Only hot or cold holding • Minimal food assembly, such as sandwiches <i>(basic soup kitchen)</i> 		✔	
Reheat or portion commercially prepared foods with no further processing for same day food service <i>(no cutting, slicing, chopping or cooking)</i>	Excess prepared food from a food facility that is maintained hot or cold for same day service <i>(soup kitchen with a more complex menu)</i>		✔	
Preparing potentially hazardous foods which may require thawing, cooking, cooling and reheating/hot holding	Anything that is beyond what has been described above			✔

* If not operating under an agreement and/or in good standing with a permitted food bank

Q What are some approved sources for food donations?

- A**
- Permitted food facilities including restaurants, grocery stores, bakeries, catering operations.
 - Permitted cottage food operators and permitted microenterprise home kitchen operations.
 - Permitted food processors and manufacturers.
 - Community food producers (i.e. whole produce and unrefrigerated shell eggs).

Food may NOT be received from the following:

- o Prepared food from unpermitted/unregistered home kitchen operations. Note: canned foods or other commercially pre-packaged foods are allowed.
- o Salvage operations (e.g., fire, flood, or other damaged food products).

Q If a food pantry operates under the agreement of a permitted food bank and only stores frozen or cold food, does it need to register with the health department?

- A** No, as long as the food pantry is adhering to the food bank's best management practices, no registration with EH is required.

Q Where can food be served or distributed?

- A** California counties and cities recognize the tremendous need to feed those facing food insecurity and maintain public health. Please work with your local cities to see where feeding sites can be designated. Remember, food distribution in an outdoor location is limited to no more than four hours per day when adhering to basic food safety requirements. Contact EH for requirements.

Q Is food handler training going to be required?

- A** While food handler training is not required for those operations that must register with EH, it is always a good idea to learn about keeping food safe. Please contact EH to see what kinds of training may be available.

Q Are Child and Adult Care Food Programs subject to this new law?

- A** In general – no. Any program that is a license-exempt center covered by the California Department of Education (CDE) bulletin #CDE MB CACFP-07-2016 is not required to register as an LSCFO for the meals being served under that program. If the program wishes to serve food above and beyond the CDE program they may be eligible to register as an LSCFO to serve food free of charge to those in need. Contact EH if you have any questions regarding your specific operation.