

# Implementing AB 1252

## CalCode Section 113961: No Bare Hand Contact with Ready-To-Eat Food

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### Fact Sheet and Frequently Asked Questions

The National Advisory Committee for Microbiological Criteria for Foods has identified three interventions that can be effective in preventing the transmission of foodborne viruses and bacteria in food facilities. The use of proper handwashing procedures, restricting ill food employees from working with food, and preventing bare hand contact with foods that are ready-to-eat can help prevent the spread of disease from employees to consumers through contaminated food.

Assembly bill 1252 added section 113961 to the California Retail Food Code (CalCode), which prohibits bare hand contact with ready-to-eat food, effective on January 1, 2014. **No Bare Hand Contact** is the practice of preventing direct contact with bare hands while handling ready-to-eat foods. Avoiding bare hand contact with foods that do not require further cooking provides an added protection against contamination with microbial or viral pathogens from the hands of food service employees.

Recent studies indicate that hand washing alone is not enough to prevent foodborne illnesses, and that food service employees are the source of contamination in more than two-thirds of the foodborne outbreaks reported in the United States with a bacterial or viral cause. Infected employees shed infectious organisms and can transfer them to the food they prepare when they do not practice proper hand washing. Food can also be contaminated from infectious organisms found in infected cuts, burns or boils in the hands of food service employees.

Since its inception, CalCode has promoted proper handwashing practices and exclusion of ill employees to prevent the spread of foodborne illnesses. Section 113961, now adds another layer of protection to the methods already used to prevent food contamination by establishing a requirement for no bare hand contact with ready-to-eat food.

### Frequently Asked Questions

#### 1. What is ready-to-eat (RTE) food?

RTE food is ready to be consumed and does not require any additional heat treatment steps to make it safe. RTE food may be reheated for aesthetic, culinary, or other reasons. Food that typically should be cooked further to render it safe, such as a rare hamburger, or a sauce containing raw eggs, can also be considered ready-to-eat provided the consumer has been advised of the potential risks and request to eat the food less than thoroughly cooked.

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### 2. What are some examples of RTE Foods?

- Any food that will not be thoroughly cooked or reheated after it is prepared.
- Any food item that has already been cooked (e.g., a slice of pizza or a cooked ground meat patty)
- Prepared fresh fruits and vegetables served raw or cooked
- Salads and salad ingredients
- Fruit or vegetables for mixed drinks
- Garnishes such as lettuce, parsley, lemon wedges, potato chips or pickles
- Cold meats and sandwiches
- Raw sushi fish and sushi rice
- Bread, toast, rolls and baked good
- Ice served to the customer
- Dry fermented sausages, salt cured meats and poultry, dried meat and poultry products (e.g. jerky)
- Opened packages of thermally processed low-acid foods that were hermetically sealed.

### 3. What is so hazardous about "direct hand contact with ready-to-eat foods"?

The food that is ready to eat may become contaminated by harmful germs from food handlers' bare hands. The body fluids or particles found on their hands may carry harmful viruses, bacteria, or parasites that can cause foodborne illness; thorough and frequent handwashing can reduce this risk. When food handlers have not washed their hands thoroughly before handling food, harmful germs may be on their hands. When they touch the food with their bare hands, these germs pass from their hands onto the food. Ready-to-eat food is not cooked again before it is eaten, so harmful germs cannot be killed and can cause foodborne illness.

### 4. Are food service workers required to wear disposable sanitary gloves to handle ready-to-eat foods?

CalCode requires that ready-to-eat foods be prepared and served without bare hand contact. Wearing single-use disposable sanitary gloves is one of several acceptable ways to comply with the regulation. If used, single-use gloves shall be used for only one task, such as working with ready-to-eat food or with raw food of animal origin, used for no other purpose, and shall be discarded when damaged or soiled, or when interruptions in the food handling occur.

### 5. What tools besides single use gloves can be used to handle ready-to-eat foods?

Food employees can handle ready-to-eat food without touching it with bare hands by creating a barrier and using any of the following utensils for preparation and service:

- single-use disposable gloves
- dispensing equipment
- forks and spoons
- tongs
- scoops
- spatulas
- toothpicks
- bakery and deli wraps
- waxed paper

**6. When are food service workers required to wash their hands?**

- When entering a food preparation area
- Before putting on clean, single-use gloves for working with food, and between glove changes
- Immediately before engaging in food preparation
- Before handling clean and single-use equipment and utensils
- Before dispensing, serving food, or handling clean tableware and serving utensils in the food service area.
- During food preparation, as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks.
- When changing tasks and switching between handling raw foods and working with ready-to-eat foods.
- After using the toilet room
- After touching bare human body parts other than clean hands and clean, exposed portions of arms
- After coughing, sneezing, blowing the nose, using tobacco, eating, or drinking
- After handling service animals allowed in a food facility
- After caring for or handling aquatic animals such as molluscan shellfish or crustacean in tanks.
- After handling soiled equipment or utensils
- After engaging in other activities that contaminate the hands or gloves.

**7. What can I do with a ready-to-eat food item if it was touched with bare hands?**

The action taken will depend on the specific situation and type of food. In some instances the facility may have an approved application for alternate procedures that allow bare hand contact for specific RTE foods. When this is not available, depending on the food item that was touched with bare hands, a corrective action may be taken, such as cooking or reheating, so the food item does not have to be discarded. Where a corrective action is not feasible and the facility does not have approved procedures for bare hand contact for the specific food, RTE food items touched with bare hands must be discarded.

**8. Can bare hands be used to prepare a food that will be used as an ingredient in a food product that will be heat treated prior to service?**

Yes. Bare hands can be used provided that the final food product is heated in accordance with CalCode Sections 144004, 114008, and 114010.

**9. What must a food facility operator do if the facility wants to have the food employees conduct bare hand contact with ready-to-eat foods?**

In accordance with CalCode section 113961(f), food employees not serving a highly susceptible population may contact exposed, ready-to-eat foods if certain practices are followed, including pre-approval from the local regulatory agency, identification of foods touched by bare hands; documentation of employee training in proper handwashing, prevention of cross-contamination; a written health plan; and documentation that employees use added measures to prevent contamination.

**10. Are food handlers required to use gloves to wrap leftover food that has been served to a consumer and that the consumer desires to take home?**

No. CalCode does not require gloves to be worn to wrap leftovers, but it does require that food that has been served to a consumer and then wrapped or packaged at the direction of the consumer be handled only with utensils and that reusable utensils are properly sanitized before reuse.

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Find additional information on how handwashing can prevent disease at:  
<http://www.cdc.gov/handwashing/>

### Section 113961 is added to the Health and Safety Code, to read:

113961. (a) Food employees shall wash their hands in accordance with the provisions established in Section 113953.3.
- (b) Except when washing fruits and vegetables, as specified in Section 113992 or as specified in subdivisions (e) and (f), food employees shall not contact exposed, ready-to-eat food with their bare hands and shall use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment.
- (c) Food employees shall minimize bare hand and arm contact with exposed food that is not in a ready-to-eat form.
- (d) Food that has been served to a consumer and then wrapped or packaged at the direction of the consumer, such as food placed in a take-home container, shall be handled only with utensils. These utensils shall be properly sanitized before reuse.
- (e) Subdivision (b) does not apply to a food employee who contacts exposed, ready-to-eat food with bare hands at the time the ready-to-eat food is being added as an ingredient to a food that meets either of the following:
- (1) Food that contains a raw animal food and is to be cooked in the food establishment to heat all parts of the food to the minimum temperatures specified in subdivisions (a) and (b) of Section 114004 or in Section 114008.
  - (2) Food that does not contain a raw animal food but is to be cooked in the food establishment to heat all parts of the food to a temperature of at least 165 degrees Fahrenheit.
- (f) Food employees not serving a highly susceptible population may contact exposed, ready-to-eat food with their bare hands if all of the following occur:
- (1) The permit holder obtains prior approval from the regulatory authority.
  - (2) Written procedures are maintained in the food facility and made available to the regulatory authority upon request that include all of the following:
    - (A) For each bare hand contact procedure, listings of the specific ready-to-eat foods that are touched by bare hands.
    - (B) Diagrams and other information showing that handwashing facilities that are installed, located, and maintained in accordance with Sections 113953, 113953.1, and 113953.2, are in an easily accessible location and in close proximity to the work station where the bare hand contact procedure is conducted.
    - (3) A written employee health policy that details the manner in which the food facility complies with Sections 113949, 113949.1, 113949.2, 113949.3, 113949.4, 113949.5, 113950, and 113950.5, including all of the following:
      - (A) Documentation that food employees acknowledge that they are informed to report information about their health and activities as they relate to gastrointestinal symptoms and diseases that are transmittable through food as specified in Section 113949.1.
      - (B) Documentation that food employees acknowledge their responsibilities as specified in Section 113949.4.
      - (C) Documentation that the person in charge acknowledges the responsibilities specified in Section 113949.5, subdivision (b) of Section 113950, and Section 113950.5.
    - (4) Documentation that food employees acknowledge that they have received training in all of the following:
      - (A) The risks of contacting the specific ready-to-eat foods with bare hands.
      - (B) Proper handwashing techniques and requirements, pursuant to subdivision (a) of Section 113953.3.
      - (C) Where to wash their hands, as specified in Section 113953.1.
      - (D) Proper fingernail maintenance, as specified in Section 113968.
      - (E) Prohibition of jewelry, as specified in subdivision (a) of Section 113973.
      - (F) Good hygienic practices, as specified in Sections 113974 and 113977.
    - (5) Documentation that hands are washed before food preparation and as necessary to prevent cross-contamination by food employees, as specified in Sections 113952, 113953.1, and 113953.3 during all hours of operation when the specific ready-to-eat foods are prepared.
  - (6) Documentation that food employees contacting ready-to-eat foods with bare hands use two or more of the following control measures to provide additional safeguards to hazards associated with bare hand contact:
    - (A) Double handwashing.
    - (B) Nail brushes.
    - (C) A hand antiseptic after handwashing, as specified in Section 113953.4.
    - (D) Incentive programs such as paid sick leave that assist or encourage food employees not to report to work if they are ill.
    - (E) Other control measures approved by the regulatory authority.
  - (7) Documentation that corrective action is taken when the requirements specified in paragraphs (1) to (6), inclusive, are not followed.