



# County of San Diego

## DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY FOOD AND HOUSING DIVISION

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### AB 3336 – GUIDANCE FOR ENVIRONMENTAL HEALTH SPECIALISTS

This guideline was developed to educate local health agencies in the implementation of AB 3336. The guideline is intended to provide a summary of the requirements contained within the California Retail Food Code (CRFC) for regulation of Third-Party Food Delivery Platforms (TPFDP) and is not meant to be inclusive of all local and state requirements.

#### BACKGROUND

Assembly Bill 3336 was chaptered on September 18, 2020 and became effective on January 1, 2021. This bill requires ready-to-eat food delivered through a TPFDP to be transported so that the ready-to-eat food is protected from contamination and requires all bags or containers in which ready-to-eat foods are being transported or delivered from a food facility to a customer, to be closed by the food facility with a tamper-evident method prior to the food deliverer taking possession of the food. The bill authorizes enforcement officers to recover reasonable costs in enforcing those requirements.

Stickers used to seal a paper bag or container are the most common example of a tamper-evident method to protect food that must be ripped to open the bag.



A full copy of AB 3336 can be viewed here:

[https://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200AB3336](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB3336)

#### WHAT IS A THIRD-PARTY FOOD DELIVERY PLATFORM?

A Third-Party Food Delivery Platform (TDFDP) is defined by the CRFC as a business engaged in the service of online food ordering and delivery from a food facility to a consumer.

This does **not** include grocery stores or other facilities used to sell to a customer primarily the following products: fresh produce, meat, poultry, fish, deli products, dairy products, perishable beverages, baked foods, and prepared foods. Additionally, the requirements do not apply to the transportation of prepackaged nonpotentially hazardous foods, or food transported as part of a charitable feeding program or food being donated to a food bank.

#### FOOD TRANSPORTATION REQUIREMENTS

The TPFDP delivery vehicle must be equipped to ensure that the food is transported in a manner that meets the following requirements:

- The interior floor, sides, and top of the food holding area must be constructed of a smooth, washable, impervious material capable of withstanding frequent cleaning.
- The food holding area must be constructed and operated so that no liquid wastes can drain onto any street, sidewalk, or premises.
- The food shall be maintained at proper holding temperatures during transport.