HEALTH CARE AGENCY/PUBLIC HEALTH
ENVIRONMENTAL HEALTH
INFORMATIONAL BULLETIN

SUBJECT: Procedures for Exemption of For-Profit Entities Giving or Selling Food for the Benefit of a Nonprofit Association at an Event.

INTRODUCTION:

The California Retail Food Code (CRFC), Section 113789 (c), allows for profit entities to be exempt while operating at an event. Specifically, this section exempts from regulation:

> ”(113789) A for-profit entity that gives or sells food at an event that occurs not more than three days in a 90-day period for the benefit of a nonprofit association, if the for-profit entity receives no monetary benefit, other than that resulting from recognition from participating in an event.”

Attached are documents to be completed by the for-profit entities requesting exemption, and documents to be completed by the nonprofit association receiving the benefit. Both sets of documents must be received in order to be considered for exemption.

These documents must be filled out completely and submitted to Environmental Health at least **two weeks** prior to the event in order to be considered for exemption.

Prior to consideration for exemption by this Agency, approval must first be obtained by the city or the local jurisdiction where the event is to occur. If the exemption is approved, the sponsoring non-profit organization requesting the exemption will receive an approval e-mail or phone call. There will be no formal approval letter generated. You are hereby notified that if this application is accepted, **Environmental Health will not be conducting inspections of exempt food vendors operating at this event.** Accordingly, the Health Care Agency recommends that you obtain the guidance of a professional Environmental Health Specialist or other inspection service to help ensure healthful, sanitary and safe conditions for members of the public attending the event. Environmental Health will contact you if any questions arise regarding the documents submitted.

- **DOCUMENT TO BE COMPLETED BY THE FOR-PROFIT ENTITY**

Attachment I

A sworn declaration by an owner, partner, general manager, or corporate officer of a **for-profit entity** that is requesting exemption from (CRFC) requirements based on Section 113785. This sworn declaration must be signed.

1241 E. DYER ROAD, SUITE 120, SANTA ANA, CA 92705-5611
Telephone: (714) 433-6000 / FAX: (714) 433-6423
Telephone: (714) 433-6000 / FAX: (714) 433-6423

- **DOCUMENTS TO BE COMPLETED / SUBMITTED BY THE SPONSORING NONPROFIT ASSOCIATION**

  Attachment II

  A sample of a letter to be typed on the letterhead of the **nonprofit association** that is receiving the benefit from the for-profit entity.

  Attachment III

  A list of some documents that are accepted as proof of nonprofit status. One must be submitted with the letter referenced in Attachment II.

- **RECOMMENDED FOOD HANDLING GUIDELINES**

  Attachment IV

  Indicates recommended food handling guidelines. Please read them carefully, paying particular attention to the food temperature and food protection recommendations.

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ATTACHMENT I

DECLARATION

OF FOR-PROFIT ENTITY

This declaration is to affirm that _____
(Name of for-profit entity)
is requesting exemption from State Law requirements for Temporary Food Facilities under provisions of Section 113789(c) (4) of the California Retail Food Code, and will be giving or selling food at:

_____
(Name of Event)

_____
(Address or Location)

_____
(City, Zip)

Date(s) of Event _____

For the benefit of _____
(Name of Sponsoring Nonprofit Association)

I certify that the above is true and correct to the best of my knowledge and belief. I further certify under penalty of perjury that the above named for-profit entity **will receive no monetary benefit**, other than that resulting from recognition for participating in the event.

Name _____ Phone (_____) _____
(Print)

Email _____

Address _____

City _____ Zip _____

Signature _____ Title _____

Date _____

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ATTACHMENT II

SPONSORING NONPROFIT ASSOCIATION DECLARATION

(TO BE COMPLETED ON NONPROFIT ASSOCIATION LETTERHEAD)

Date

County of Orange
Health Care Agency
Environmental Health
1241 E. Dyer Road, Suite 120
Santa Ana, CA 92705

To:

This is to advise you that _____ will be sponsoring and
(*Name of Nonprofit Association*)

receiving the benefit from the following for-profit entities which will be giving or selling food

at _____
(Name of Event)

_____
(address or location)

_____
(city,zip)

on _____ 20 _____.
(*Dates of Event*)

List all for-profit entities giving or selling food:

It is our belief that the for-profit entities will receive no monetary benefit other than that resulting from recognition for participating in the event. Furthermore, we understand that Environmental Health will not be conducting inspections of these exempted for-profit entities and recommends that we provide our own health inspection service. A copy of a document showing our nonprofit status is attached to this letter.

Sincerely,

_____ _____
(Name) (phone no.)

_____
(Title)

_____
(Date)

SAMPLE

ATTACHMENT III

Some Documents Acceptable as

PROOF OF NONPROFIT STATUS

Document	Source
1. Articles of Incorporation as a nonprofit organization.	Secretary of State
2. IRS letter showing organization to be Tax Exempt.	Internal Revenue Service
3. State Franchise Tax Board letter showing organization Tax Exempt.	Franchise Tax Board
4. Certificate of Registration with the State Registry of Charitable Trusts.	State Registry of Charitable Funds

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ATTACHMENT IV

COUNTY OF ORANGE
HEALTH CARE AGENCY
ENVIRONMENTAL HEALTH

RECOMMENDED FOOD HANDLING GUIDELINES

I. FOOD HANDLERS
- A. Wear clean clothing.
- B. Wash hands before handling food and at frequent intervals.
- C. Wear hat, cap, or some type of hair covering.
- D. Do not smoke in food booths.
- E. If you are ill or have sores on your hands, you should not handle foods.

II. REFRIGERATION-COLD FOODS
- A. Refrigeration; dry ice; or ice may be used.
- B. Meats, hamburger patties, sauces, cream pastries, wieners, sausages, milk and other readily perishable foods require refrigeration to 45 degrees Fahrenheit or below to prevent the growth of pathogenic bacteria or the production of toxins. ----- VERY IMPORTANT!
- C. Foods should not be kept out at room temperature in your stands if they require refrigeration.
- D. Thaw all frozen foods by placing them in a refrigerator, or by use of ice or dry ice. You may need 24 to 30 hours to thaw food in this manner.

III. HOT FOODS
- A. Keep foods being served hot at 135 degrees Fahrenheit or above to prevent the growth of pathogenic bacteria or the production of toxins.
- B. Foods kept in warmers or similar devices should be heated quickly.
- C. All hot foods left over from the previous day should not be reused.

IV. FOOD PROTECTION
- A. All open food should be protected from contamination by the public and the food booth workers.
- B. Keep foods covered as much as possible to protect all open foods from flies, dust, insects, and the public. Screening of booths is recommended.
- C. All food, food containers, and utensils should be kept a minimum of six (6) inches above the floor.
- D. Handle foods as little as possible. Use utensils (i.e., tongs, scoops, etc.).

V. UTENSILS
- A. Use only clean utensils.
- B. Use only single-use, throw-away spoons, forks, plates, cups, etc.
- C. Do not use galvanized or enamelware storage containers for acidic foods or juices.
- D. A food thermometer is required in each food booth.

VI. INSECTICIDES: Do not store any poisonous substances such as insecticides near foods.

VII. CONDIMENTS: Individual packages, squeeze, pour or pump-type containers should be used.

Should you desire further information, please contact this office at (714) 433-6000.

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