

## **Uniform Implementation of the Lauren Beth Rudolph Food Safety Act of 1997 (AB 396)**

According to the US Centers for Disease Control approximately 25% of persons who eat food prepared in retail food facilities are immunocompromised due to age or illness. For those persons, consumption of undercooked food constitutes a significant risk of foodborne illness. Food which is even slightly mishandled, either through inadequate temperature controls, improper cooling, or cross-contamination can pose a risk even to healthy individuals if it is not cooked thoroughly. Nevertheless, food facility operators have the to right offer and prepare foods according to the wishes of their customers, despite the risks.

*The basic premise of this act is that Californians should not be served undercooked food of animal origin unless they are aware that the food is undercooked and consent to it.*

Although subdivision (a) of Section 113996 of the California Uniform Retail Food Facility Law (CURFFL ) specifies that all food of animal origin be thoroughly cooked, time or temperature guidelines are provided only for certain high risk foods enumerated in subdivisions (a)(1) through (a)(4). Local health enforcement agencies should not enforce specific cooking time or temperature requirements on foods such as solid pieces (roasts, steaks, chops, etc.) of beef, lamb, game, or fish.

Food employees may ask customers for their preference for doneness on all foods of animal origin except poultry. They may also suggest methods of preparation which result in undercooked food. Food employees or operators may advise or notify customers regarding the inclusion of raw or undercooked ingredients in any dish. This can be through oral communication, signs, menu notices, or other verbal means. Some dishes are clearly disclosed as undercooked through menu descriptors or the appearance of the dish. For example, "steak tartare" is obviously raw meat when served. The name "Seared Tuna" implies that the dish is not thoroughly cooked.

Menu items containing raw or undercooked eggs are subject to the same disclosure requirements as meat and fish. Raw egg ingredients can be declared by a direct statement on the menu (e.g. "...contains raw eggs"), by descriptors (e.g. "soft boiled"), or by observation (e.g. tableside preparation of Caesar salad dressing.) Pasteurized eggs are not mentioned in the Act. Food facility operators should not be required to use pasteurized eggs for any purpose, but may do so if they do not wish to make a disclosure or take on the increased risk of serving raw or undercooked eggs.

"Ratites" are large flightless birds such as ostrich, emu, and rhea. When sold for human consumption they may be under voluntary inspection by the US Department of Agriculture (USDA). The meat from these animals is appearing on California menus on a frequent basis. Although technically "poultry" the US Food and Drug Administration

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(FDA) **Model Food Code 1997** lumps these foods together with “communitated meats.” An operator may cook to a temperature of 155 degrees F for 15 seconds, 150 degrees F for one minute, or 145 degrees F for 3 minutes. FDA notes that raites develop a “metallic” taste when cooked to 165 degrees F. USDA classifies raites as “red meat” and suggests cooking to 145 degrees F for medium rare and 160 degrees F for medium. Because of the very low fat content raites are unpalatable if overcooked. **Local jurisdictions should consider raites outside the scope of specific temperature regulations under CURFFL unless the meat is comminuted, in which case it should be cooked the same ground beef.**