MEMORANDUM

Date: April 10, 2020

To: The Honorable Chairman and Members
Pima County Board of Supervisors

From: C.H. Huckelberry
County Administrator

Re: Pima County Food Code Requirements Regarding the Repackaging of Raw Foods and other Grocery Items from Restaurants to the Public, Similar to the Process for Food Pickup

The Pima County Health Department is now preparing final rules regarding the sale of certain grocery items, repackaged food products and raw products prepared in bulk and sold for resale by restaurants to eliminate any confusion that may have been caused by the Governor’s Executive Order 2020-25 or any other pronouncements. The Health Department clarified that these activities must conform to the Pima County Food Code as well as all other Food Code requirements such as proper labeling of the products sold.

I have attached a draft of information that will be provided on the Health Department’s website, the email that will be sent to restaurant operators and instructions for training of Field Staff.

Appropriate communication will be maintained with all restaurants regarding their required compliance with the County Food Code and our field staff will perform inspections related to these activities.

CHH/anc

Attachment

c: Jan Lesher, Chief Deputy County Administrator
Francisco García, MD, MPH, Deputy County Administrator & Chief Medical Officer, Health and Community Services
Dr. Bob England, Director, Health Department
Danny Nikitas, Environmental Health Supervisor, Health Department
Website Information

"Under the Governor Executive Order 2020-25, restaurants currently licensed or permitted to serve prepared food may sell grocery items including, but not limited to, paper goods, cleaning supplies, prepared food in bulk, meat and vegetables whether or not those items are normally packaged for resale or are raw. Please be advised that such activity is permissible and falls under the current Pima County Food Code. Be assured that no additional permit is necessary to engage in this activity.

During the course of routine inspection, Consumer Health and Food Safety (CHFS) staff will document whether current licensed operators are engaged in the repackaging and resale of permitted items to the general public. The inspection will make note of pertinent findings and document the operator's compliance with the direction of the Executive Order. Please also note that any complaints concerning this type of activity will be handled by CHFS."

Email to Operators

Good morning/afternoon,

We are reaching out to you to offer our support during this challenging time as your facilities evolve to assist the community with their food and nutrition needs, while doing everything you can to keep your business open. Under the Governor's Executive Order 2020-25, restaurants currently licensed or permitted to serve prepared food may sell grocery items including, but not limited to, paper goods, cleaning supplies, prepared food in bulk, meat and vegetables whether or not those items are normally packaged for resale or are raw. Please be advised that such activity still falls under the current Pima County Food Code, and no additional permit is needed to engage in this function.

During your routine inspection, Environmental Specialists will inspect and document if facilities are engaged in the repackaging and resale of permitted items to the general public. The inspector will provide you with your routine inspection report as well as a supplemental inspection report for the assessment of the grocery items. We acknowledge the difficulties that COVID-19 has caused your business, and we are committed to assisting you through this time. Inspection ratings will be Educational on both reports, and all Priority and Priority Foundation items are required to be corrected on site, or a follow-up inspection will occur. If an Imminent Health Hazard is observed, the facility will be closed until they are able to correct the hazard.

Executive Order 2020-25- Flexible Food Item & Sale of Goods at Restaurants

1. Restaurants currently licensed or permitted to serve prepared food may sell grocery items including, but not limited to, paper goods, cleaning supplies, prepared food in bulk, meat and vegetables whether or not those items are normally packaged for resale or are raw provided that the following provisions are followed:
   a. Food sold must be wholesome and unadulterated. (Pima County Food Code 3-101.11)
   b. Open ready-to-eat foods must be within the date marking requirements to be sold. (Pima County Food Code 3-501.17)
c. Products requiring refrigeration must remain under temperature control (41 F or less) until ready for pick up or delivery. Customers should be instructed to get food home quickly and placed under refrigeration. (Pima County Food Code 3-501.16)
d. Bulk household goods should be sold in their original containers.
e. Raw meats should be separated from other foods, especially produce and other ready-to-eat items to prevent cross contamination. (Pima County Food Code 3-302.11)
f. Businesses shall assess their customer traffic flows to ensure a takeout or curbside business model will maintain the Governor's social distancing requirements.

At this time, labels from the original packaging may be reused, or the facility may create new labels. Labels must follow Pima County Food Code 3-602.11. For more information about labeling, please refer to this guidance from the FDA: https://www.fda.gov/food/cfsan-constituent-updates/fda-provides-temporary-flexibility-regarding-nutrition-labeling-certain-packaged-food-response-covid.

If you have any questions regarding how the Consumer Health and Food Safety will be inspecting your facility, please reach out to our business liaison, Gary Frucci, at Gary.Frucci@pima.gov.

Training for Field Staff

As soon as the inspection form is approved and in the production environment, all field staff will attend a Microsoft Teams Meeting to go over the Executive Order and the new inspection form. This will be scheduled for Monday, April 13, at the latest.