

**Regulation of the Board of Health Concerning:
Outdoor Public Serving of Food: Food Safety**

Whereas, access to food is an important determinant of health; and

Whereas, food insecurity is a problem for many Philadelphians; and

Whereas, groups and individuals provide food in outdoor settings for those who are hungry; and

Whereas, the Philadelphia Home Rule Charter and The Philadelphia Code charge the Department of Public Health with the protection of the public's health through the administration and enforcement of statutes, ordinances and regulations relating to public health including those dealing with food; and

Whereas, the Philadelphia Home Rule Charter charges the Board of Health with development of a comprehensive Health Code with the purpose of preserving and promoting the health of the people of Philadelphia through the development of reasonable regulations; and

Whereas, food safety is a critical component of public health, a regulation to insure the safety of food provided through outdoor public serving of food is a matter of the public's health; and

Whereas, the Board of Health is concerned with reducing health inequities.

SECTION 1. No person, group, or organization shall engage in Outdoor Public Serving of Food, except as provided in Sections 2 and 3. For purposes of this regulation, "Outdoor Public Serving of Food" means the distribution of food free of charge to members of the public, in groups of three or more people, on any public highway, on any public sidewalk, or in any outdoor public place; except that "Outdoor Public Serving of Food" shall not include the distribution of food as part of a special event recognized by the Managing Director's Office pursuant to the Mayor's Special Event Policy (Executive Order 6-93) or a permit of the Department of Parks and Recreation; a special event sponsored by a City agency; the distribution of pre-packaged food as part of a time-limited promotional campaign by a commercial entity; or an unplanned, non-recurring distribution of food.

SECTION 2. Any person, group, or organization engaging in outdoor public serving of food is required to obtain an annual Outdoor Public Serving of Food: Food Safety Permit in advance from the Department of Public Health. The Department shall issue a permit to any person, group, or organization who submits all of the following on a form acceptable to the Department:

(a) The name, address, phone number and (if available) e-mail address of the applicant and a contact person.

(b) The location (identified as any location within a ten-block radius of a designated intersection) and the usual day(s) and time(s) at which the applicant will distribute food to the public. Issuance of the permit shall not constitute approval of the location by the Department. A person, group or organization that routinely provides food in a radius greater than ten blocks shall so note on the application and must make special arrangements with the Department in order to facilitate inspections by the Department.

(c) The type of food items to be distributed (hot or cold) and whether the food will be served within four hours of preparation.

(d) A certification that all food service and distribution will be exempt from preparation in an approved kitchen facility, pursuant to Section 3(d)(2), below; or the name and address of an approved facility where the food will be prepared. A facility shall be considered approved if it has been determined by the Department to be in compliance with Sections 46.501 to 46.731 of the Department's Regulations Governing Food Establishments or has been determined by another county's public health officials to be in compliance with comparable food safety regulations.

SECTION 3. No person, group or organization shall engage in outdoor public serving of food unless:

(a) The person, group or organization responsible for the operation posts prominently at the food service site during all hours of operation an Outdoor Public Serving of Food: Food Safety Permit provided by the Department. The permit shall set forth Department contact information for patrons to report potential food-borne illness and/or concern about food safety.

(b) The food service activity takes place at a day, time and place identified pursuant to Section 2(b) above.

(c) Food distribution is limited to the types of food identified pursuant to Section 2(c) above.

(d) All food either:

(.1) Is prepared at the facility identified pursuant to Section 2(d) above and such facility retains its Public Health approval; or

(.2) Is prepared in accordance with the requirements of subsection (A) below, in a kitchen that meets or contains all of the requirements set forth in Subsection (B) below:

(A) Food that is not prepared in a facility approved pursuant to Section 2(d) must be fully prepared no more than four hours prior to service or distribution. Any food items which are pre-prepared more than four hours in advance, for example marinated foods, are not allowed due to the potential for growth of microorganisms which can lead to food-borne illness.

(B) Private kitchen requirements:

(.1) Hot and cold running water in the kitchen and bathrooms with soap and single service towels.

(.2) Refrigeration unit maintaining maximum temperature of 41° F. Freezer unit maintaining maximum temperature of 0° F.

(.3) Vermin free building.

(.4) An open top container large enough for immersing food service articles for sanitization.

(.5) Approved sanitizer (chlorine bleach).

(.6) Stove/oven/range in clean and good working condition for cooking.

(.7) Stem thermometer to measure food temperature during cooking and transport.

(.8) Washable, insulated food containers for transportation of the food.

(.9) At least a one-compartment kitchen sink.

(e) A person who has completed the Department's Outdoor Public Service of Food: Food Safety Course, or an equivalent course approved by the Department, is on site during the entirety of any food service.

(f) No person involved in the preparation, serving or distribution of food engages in any bare hand contact with any ready-to-eat food.

(g) Temporary hand washing is available at the food service site, except that, where only pre-packaged food is handled or distributed, hand wipes or hand sanitizer shall be sufficient.

(h) All persons involved in the preparation, serving or distribution of food properly wash their hands prior to food handling and between glove changes.

(i) All foods are completely protected from contamination during transportation, preparation, display, and service.

(j) All food is transported and served at the proper temperature.

SECTION 3. This regulation shall be effective upon declaration by the Health Commissioner, posted on the Department's website, that the necessary training classes and approval processes have been available for a reasonably sufficient time to allow compliance.

Dated: _____

Approved: _____
President, Board of Health