

REFILLING REUSABLE CUPS AND CONTAINERS AT FOOD FACILITIES

California Retail Food Code (Part 7 of the California Health and Safety Code)

Q. Can a food facility fill a consumer's reusable food container?

Yes, according to Section 114121, a consumer-owned container may be refilled and returned to the same consumer if one of the following conditions is met:

- (1) if it is cleaned and refilled in an approved facility (per CDPH staff explanation- if the restaurant washes and sanitizes the container before use)ⁱ, or
- (2) if it is refilled **by an employee** of the food facility **or by the owner** of the container with a dispensing system that includes a **contamination free transfer process** that cannot be bypassed by the container owner.
- (3) Consumer-owned containers that are not food specific may be filled at a water vending machine or system.

Q. What is a "contamination-free process"?

"A contamination free process can be described as a method that would ensure that the transfer of food or beverages to a consumer's reused container will not cause contamination (biological, physical or chemical) to the original food or beverage product. The Retail Food Code (CRFC) attempts to mitigate the opportunity for contamination by requiring that the container is either:

- **adequately washed, rinsed and sanitized prior to refill** (in compliance with Chapter 5- CLEANING AND SANITIZING OF EQUIPMENT AND UTENSILS); or
- **through only allowing an employee to refill** (It would be the responsibility of the food worker to ensure that when refilling a customer's reusable cup, the rim of the cup cannot touch the beverage dispensing equipment or utensils used to refill a plate, bowl or other food container does not become contaminated during the transfer of food), or
- **through the use of a refill method from a protective dispensing system** (such as a soda dispenser)."ⁱⁱ

Q. Can a food facility fill a consumer's reusable drinking cup or beverage container?

Yes, according to Section 114075(d), "drinking cups and containers may be reused by self-service consumers if refilling of a consumer's drinking cup is done without contact between the pouring utensil and the lip contact area of the cup or container.

(e) Personal take-out beverage containers, such as thermally insulated bottles, nonspill coffee cups, and promotional beverage glasses, may be refilled by employees or the consumer if refilling is a contamination-free process as specified in subdivision a (e.g. "without contact between the pouring utensil and the lip-contact area of the drinking cup or container")

Q. Can consumers reusable containers be refilled at temporary food facilities, such as, events?

Currently, no. But the California Retail Food Safety Commission is reviewing the policy. H&SC Chapter 11 – Temporary Food Facilities (TFF), Section 114353 states that "A temporary food facility shall provide only single use articles for use by the consumer."ⁱⁱⁱ

Q. What happens with food trucks?

Food trucks are treated as Mobile Food Facilities (MFFs) and are covered by Chapter 10 of the Retail Food Code. They are subject to the same provisions regarding filling customers' reusable food and beverage containers as described for non-mobile food facilities in Sections 114125 and 114075, discussed above.

ⁱ Explanation provided via email on November 14, 2017 to Upstream Policy by Brenda Faw, Sr. REHS, CP-FS, Retail Food Program Specialist, Food Safety Section, CDPH, 11-14-17.

ⁱⁱ Id.

ⁱⁱⁱ Phone call with Upstream Policy and Brenda Faw, Sr. REHS, CP-FS, Retail Food Program Specialist, Food Safety Section, CDPH, March 2018.