Per §113980 of the California Public Health Code, which governs the activities of all “California Retail Food operations”, requires that food must be prepared by an “approved source” which is defined in §113735(a) as either “a producer, manufacturer, distributor, or food facility that is acceptable to the enforcement agency based on a determination of conformity with applicable laws, or, in the absence of applicable laws, with current public health principles and practices, and generally recognized industry standards that protect public health” or as a source that is compliant with the following limits stated in §114021 and the sections that follow it, particularly that food stored or prepared in a private home (or on a school site outside of an approved food preparation area) shall not be used or offered for sale.

Barbequing falls under their jurisdiction. However, they make an exception for “community events”, which is defined as “an event conducted for not more than 25 consecutive or nonconsecutive days in a 90-day period and that is of a civic, political, public, or educational nature, including state and county fairs, city festivals, circuses, and other public gathering events approved by” the San Joaquin County Environmental Health Department. The requirements for a community event are much less rigorous than for operating a permanent food production facility.

Food sales at a community event require approval of a Temporary Event Application, which is to be completed and signed by the Coordinator of the community event, then returned to the Environmental Health Department no later than two weeks prior to the event for approval. The application may be accessed at: <https://www.sjgov.org/uploadedfiles/sjc/departments/ehd/forms/temporary%20event%20application.pdf>.

The application process requires a review fee of $152 and includes a contingency requirement that if a county inspector chooses to inspect the event, the agency will charge $152 per hour for the inspection to occur. If the inspection takes place outside regular business hours, a minimum fee of $684 will be charged.

In addition, the permit outlines responsibilities of the temporary event coordinator that include toileting, handwashing, cleaning, sanitizing, food handling, temperature controls, pest management, and waste containment and removal.

§114335 (a) of the health code applies less rigorous rules to sales activities limited only to “prepackaged nonpotential hazardous food and whole uncut produce”. The guidelines for these activities is outlined in §113700 and following, §114250 and following, and §114380, unless specifically exempted from any of these provisions.

Another concern is that the sale and distribution of food on district campuses is governed by the Pupil Nutrition, Health, and Achievement Act of 2001, which is enacted as sections 49430 through 49434 of the California Education Code, by the California Code of Regulations sections 15500-15578, and by the Code of Federal Regulations sections 210.10-210.12. Those limitations allow student organizations to sell food products four days a year on campus within the limits of 30 minutes after the school. So long as this event meets that requirement, this limitation should not have a significant impact on the decision.

Therefore, the district is willing to approve such event, but only if you obtain the required Temporary Food Vendor’s permit and resolve the questions about whether you can begin within 30 minutes of the end of the school day. It may be easier and less costly to simply sell meals produced by Texas Barbeque. They already have the required permits and the infrastructure to make it work.