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AB-592 Business: retail food. (2025-2026)

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Assembly Bill No. 592

CHAPTER 469

An act to amend and repeal Section 25750.5 of the Business and Professions Code, to amend Section 65907 of the Government Code, and to amend Sections 114067 and 114266 of the Health and Safety Code, relating to business.

[Approved by Governor October 09, 2025. Filed with Secretary of State October 09, 2025.]

LEGISLATIVE COUNSEL'S DIGEST

AB 592, Gabriel. Business: retail food.

(1) Existing law, the Alcoholic Beverage Control Act, is administered by the Department of Alcoholic Beverage Control and regulates the granting of licenses for the manufacture, distribution, and sale of alcoholic beverages within the state. The act requires the department to make and prescribe rules to carry out the purposes and intent of existing state constitutional provisions on the regulation of alcoholic beverages, and to enable the department to exercise the powers and perform the duties conferred upon it by the state constitution and the act, not inconsistent with any statute of this state. The act makes it unlawful for any person other than a licensee of the department to sell, manufacture, or import alcoholic beverages in this state, with exceptions. The department, pursuant to its powers and in furtherance of emergency declarations and orders of the Governor under the California Emergency Services Act regarding the spread of the COVID-19 virus, established prescribed temporary relief measures to suspend certain legal restrictions relating to, among other things, the expansion of a licensed footprint, sales of alcoholic beverages to-go, and delivery privileges. Existing law authorizes the department, for a period of 365 days following the end of the state of emergency proclaimed by the Governor on March 4, 2020, in response to the COVID-19 pandemic, to permit licensees to exercise license privileges in an expanded license area authorized pursuant to a COVID-19 Temporary Catering Authorization approved in accordance with the Fourth Notice of Regulatory Relief issued by the department, as specified. Existing law makes these provisions effective only until July 1, 2026, and repeals them as of that date.

This bill, instead, would make those provisions operative until January 1, 2029, repeal those provisions on that date, and make conforming changes. The bill would also prohibit the department from issuing any new COVID-19 Temporary Catering Authorizations on or after January 1, 2027.

(2) The Planning and Zoning Law authorizes the legislative body of any city or county to adopt ordinances that regulate zoning within its jurisdiction, as specified. Under that law, variances and conditional use permits may be granted if provided for by the zoning ordinance. Existing law, to the extent that an outdoor expansion of a business to mitigate COVID-19 pandemic restrictions on indoor dining interferes with, reduces, eliminates, or impacts required parking for existing uses, requires a local jurisdiction that has not adopted an ordinance that provides relief from parking restrictions for expanded outdoor dining areas to reduce the number of required parking spaces for existing uses by the number of spaces that the local jurisdiction determines are needed to accommodate an expanded outdoor dining area. Existing law makes these provisions operative only until July 1, 2026, and repeals them on that date.

This bill, instead, would make those provisions operative indefinitely. Because the bill would require local officials to perform additional duties for an extended period, the bill would impose a state-mandated local program.

(3) Existing law, the California Retail Food Code, establishes uniform health and sanitation standards for, and provides for regulation by the State Department of Public Health of, retail food facilities. Existing law provides that these standards are primarily enforced by local enforcement agencies. Existing law restricts satellite food service to limited food preparation in a fully enclosed permanent food facility that meets specified requirements. Existing law requires a permanent food facility, before conducting satellite food service, to submit to the enforcement agency written operating standards. Existing law, until July 1, 2026, authorizes a permitted food facility within any local jurisdiction that is subject to retail food operation restrictions related to a COVID-19 public health response to prepare and serve food as a temporary satellite food service without obtaining a separate satellite food service permit or submitting written operating procedures.

With regard to those provisions that authorize a permitted food facility to prepare and serve food as a temporary satellite food service, this bill, instead, would make those provisions operative indefinitely.

(4) Existing law requires permanent food facilities to be fully enclosed in a building consisting of permanent floors, walls, and an overhead structure that meet prescribed minimum standards.

This bill would, notwithstanding the requirements described above, authorize a restaurant to operate using open windows, folding doors, or nonfixed store fronts during hours of operation if the restaurant develops, and submits to the enforcement agency for approval, an integrated pest management and food safety risk mitigation plan and meets certain requirements, as specified. The bill would require the plan to be documented in writing, made available upon request to local environmental health enforcement officers, and updated annually or whenever there is a change to the facility or operation. The bill would require the restaurant to self-close upon observation of vermin activity inside the facility and remain closed until all vermin are eliminated. The bill would prohibit a local enforcement agency from unreasonably withholding approval of a proposed pest management and food safety risk mitigation plan and would require approval to be granted unless unique circumstances exist such that no reasonable conditions or measures can sufficiently mitigate a significant risk to public health or safety.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 25750.5 of the Business and Professions Code, as amended by Section 1 of Chapter 569 of the Statutes of 2023, is amended to read:

25750.5. (a) The Department of Alcoholic Beverage Control may permit licensees to exercise license privileges in an expanded license area authorized pursuant to a COVID-19 Temporary Catering Authorization approved in accordance with the Fourth Notice of Regulatory Relief issued by the department on May 15, 2020. A COVID-19 Temporary Catering Authorization authorizes the on-sale consumption of those alcoholic beverages for which the licensee has on-sale privileges on property that is adjacent to the licensed premises, within the control of the licensee.

(b) The COVID-19 Temporary Catering Authorization approved by the department shall be subject to terms and conditions established by the department and stated in the Fourth Notice of Regulatory Relief and the related application form, including, but not limited to, that the authorization may be canceled as determined by the department, as provided in the Fourth Notice, which includes, but is not limited to, upon objection by local law enforcement or if operation of the temporarily authorized area is inconsistent with state or local public health directives.

(c) The department shall not issue any new COVID-19 Temporary Catering Authorizations on or after January 1, 2027.

(d) Notwithstanding any other law, if the department determines that any licensee is found to be abusing the relief provided by this section, or if the licensee's actions jeopardize public health, safety, or welfare, the department may summarily rescind the relief as to that licensee at any time.

(e) This section shall remain in effect only until January 1, 2029, and as of that date is repealed.

SEC. 2. Section 25750.5 of the Business and Professions Code, as amended by Section 2 of Chapter 569 of the Statutes of 2023, is repealed.

SEC. 3. Section 65907 of the Government Code is amended to read:

65907. If an outdoor expansion of a business to mitigate COVID-19 pandemic restrictions on indoor dining interferes with, reduces, eliminates, or impacts required parking for existing uses, a local jurisdiction that has not adopted an ordinance that provides relief from parking restrictions for expanded outdoor dining areas shall reduce the number of required parking spaces for existing uses by the number of spaces that the local jurisdiction determines are needed to accommodate an expanded outdoor dining area.

SEC. 4. Section 114067 of the Health and Safety Code is amended to read:

114067. (a) Satellite food service is restricted to limited food preparation.

(b) Satellite food service shall only be operated by a fully enclosed permanent food facility that meets the requirements for food preparation and service and that is responsible for servicing the satellite food service operation.

(c) Before conducting satellite food service, the permitholder of the permanent food facility shall submit to the enforcement agency written standard operating procedures that include all of the following information:

(1) All food products that will be handled and dispensed.

(2) The proposed procedures and methods of food preparation and handling.

(3) Procedures, methods, and schedules for cleaning utensils, equipment, structures, and for the disposal of refuse.

(4) How food will be transported to and from the permanent food facility and the satellite food service operation, and procedures to prevent contamination of foods.

(5) How potentially hazardous foods will be maintained in accordance with Section 113996.

(d) All food preparation shall be conducted within a food compartment or fully enclosed facility approved by the enforcement officer.

(e) Satellite food service areas shall have overhead protection that extends over all food handling areas.

(f) Satellite food service operations that handle nonprepackaged food shall be equipped with approved handwashing facilities and warewashing facilities that are either permanently plumbed or self-contained.

(g) Notwithstanding subdivision (f), the local enforcement agency may approve the use of alternative warewashing facilities.

(h) During nonoperating hours and periods of inclement weather, food, food contact surfaces, and utensils shall be stored within any of the following:

(1) A fully enclosed satellite food service operation.

(2) Approved food compartments where food, food contact surfaces, and utensils are protected at all times from contamination, exposure to the elements, ingress of vermin, and temperature abuse.

(3) A fully enclosed permanent food facility.

(i) Satellite food service activities shall be conducted by and under the constant and complete control of the permitholder of the fully enclosed permanent food facility, or the duly contracted personnel of, or third-party providers to, the permitholder.

(j) For purposes of permitting and enforcement, the permitholder of the permanent food facility and the permitholder of the satellite food service shall be the same.

(k) A permitted food facility within any local jurisdiction that is subject to retail food operation restrictions related to a COVID-19 public health response may prepare and serve food as a temporary satellite food service without obtaining a separate satellite food service permit or submitting written operating procedures pursuant to subdivision (c). The written operating procedures shall be maintained onsite for review, upon request, by the local jurisdiction.

SEC. 5. Section 114266 of the Health and Safety Code is amended to read:

114266. (a) Each permanent food facility shall be fully enclosed in a building consisting of permanent floors, walls, and an overhead structure that meet the minimum standards as prescribed by this part. Food facilities that are not fully enclosed on all sides and that are in operation on January 1, 1985, shall not be required to meet the requirements of this section until the facility is remodeled or has a significant menu change or significant change in its method of operation.

(b) Notwithstanding subdivision (a), this section does not require the enclosure of dining areas or any other operation approved for outdoor food service.

(c) Notwithstanding subdivision (a), a produce stand that was in operation prior to January 1, 2007, shall have no more than one side open to the outside air during business hours.

(d) (1) Notwithstanding subdivision (a), a restaurant, which for these purposes shall have the same meaning as is provided for the term "bona fide public eating place" in Section 23038 of the Business and Professions Code, may operate using open windows, folding doors, or nonfixed store fronts during hours of operation if the restaurant develops an integrated pest management and food safety risk mitigation plan, which shall be submitted to the enforcement agency for approval before operation, and it meets both of the following requirements:

(A) The facility shall be fully enclosed during hours of nonoperation.

(B) The restaurant shall have the ability to operate while the facility is fully enclosed, as necessary.

(2) The integrated pest management and food safety risk mitigation plan shall be documented in writing and made available upon request to local environmental health enforcement officers.

(3) The integrated pest management and food safety risk mitigation plan shall include, at a minimum, the following components:

(A) A risk assessment that includes a comprehensive evaluation of the facility's layout, operations, storage practices, and surrounding environment in order to identify areas and practices that pose a risk of vermin infestation.

(B) Control procedures that include preventive and responsive measures to eliminate conditions that attract or harbor vermin, such as trash and compost control, that respond to conditions that can lead to food contamination, such as dust and debris, and that ensure a clean and sanitary facility.

(C) Ongoing monitoring procedures for regularly inspecting and documenting vermin activity, problem areas, and effectiveness of implemented controls, and that requires monitoring to occur at a frequency that is appropriate to the level of identified risk.

(D) Training for all employees upon hire and annually, on pest prevention practices, the restaurant's pest control procedures, and the employee's individual responsibilities in maintaining a vermin-free environment.

(E) Record keeping that includes maintaining the following records that shall be made available upon request to local environmental health officers:

(i) A description of dates and times of self-closure events related to vermin activities.

(ii) Dates of all site visits, and description of exclusion or treatment events performed, by a certified pest control operator and copies of detailed receipts associated with those visits, which shall be kept onsite for 12 months.

(4) The restaurant shall review and update the plan annually or whenever there is a change to the facility or operation.

(5) The restaurant shall self-close upon observation of vermin activity inside the facility, including droppings or markings, and remain closed and not operated until all vermin are eliminated.

(6) The local enforcement agency shall not unreasonably withhold approval of a proposed pest management and food safety risk mitigation plan. The local enforcement agency shall make every reasonable effort to identify conditions, operational practices, or mitigation measures that would allow the proposed open-front facility configuration to operate safely. Approval shall be granted unless the agency demonstrates, based upon substantial evidence in the record, that specific, unique circumstances exist in a particular facility such that no reasonable conditions or measures can sufficiently mitigate a significant risk to public health or safety.

(7) Nothing in this subdivision limits the existing authority of the local enforcement agency pursuant to the California Retail Food Code to suspend or revoke the approval of an integrated pest management and food safety risk mitigation plan if the approved plan is not followed, if vermin are observed during an inspection, or if complaints of vermin presence are verified.

SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.