



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

AB-1470 Food facilities: retail food safety. (2025-2026)

SHARE THIS:  

Date Published: 07/14/2025 02:00 PM

AMENDED IN SENATE JULY 14, 2025

AMENDED IN SENATE JUNE 23, 2025

AMENDED IN ASSEMBLY MAY 01, 2025

AMENDED IN ASSEMBLY MARCH 24, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 1470

Introduced by Assembly Member Haney

February 21, 2025

An act to amend Sections 114201, 114259.2, 114271, and 114349 of the Health and Safety Code, ~~and to amend Section 30610 of, and to add Section 21080.68 to, the Public Resources Code,~~ relating to food facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1470, as amended, Haney. Food facilities: retail food ~~safety; coastal development permits; exemption;~~ *safety*.

~~(1)Existing~~

Existing law, the California Retail Food Code, establishes uniform health and sanitation standards for retail food facilities. Under existing law, local health agencies are primarily responsible for enforcing these standards. Under existing law, a person who violates any provision of the California Retail Food Code is guilty of a misdemeanor, except as otherwise provided.

Existing law prohibits a food facility from locating a grease trap or grease interceptor in a food handling area, unless approved by an enforcement agency. Existing law exempts from the prohibition a food facility with an approved grease trap or grease interceptor that was in operation before the effective date of the code.

This bill would instead prohibit a food facility from locating a grease trap or grease interceptor in a food preparation area. The bill would additionally exempt ~~an aboveground grease trap installed under a 3-compartment sink, as specified, from this prohibition; a grease trap or grease interceptor from this prohibition if (1) a structural hardship can be determined preventing the grease trap or grease interceptor from being installed in an area not designated for food preparation or food storage or a utensil handling area, (2) the site can provide a cleaning or maintenance plan that indicates how and when the grease trap or grease interceptor will be accessed for service to prevent any cross contamination of food or food contact surfaces, and (3) the site can provide procedures that will be taken to properly clean and sanitize the area following servicing.~~

Existing law limits the size of a passthrough window service opening to 216 square inches. Existing law authorizes a passthrough window of up to 432 square inches if equipped with an air curtain device.

This bill would *instead authorize a passthrough window service opening of up to 432 square inches if equipped with an air curtain device or equipped with a self-closing device. The bill would* authorize a passthrough ~~window~~ service opening that is larger than 432 square inches if equipped with both a self-closing device and an air curtain device. *The bill would authorize an enforcement agency to approve alternative passthrough window or other service openings if the proposed alternative can adequately maintain exclusion of vermin or other means of contamination.*

Existing law requires a food facility's walls and ceilings to be durable, smooth, nonabsorbent, and easily cleanable. Existing law exempts from this requirement walls and ceilings of bar areas in which alcoholic beverages are sold or served directly to the consumers, except wall areas adjacent to bar sinks and areas where food is prepared, among other things. Existing law also exempts from this requirement restrooms that are used exclusively by the consumers, except that the walls and ceilings in the restrooms shall be of a nonabsorbent and washable surface.

This bill would instead exempt walls and ceilings of bar areas in which beverages are sold, served, or dispensed directly to the consumers. The bill would also instead exempt restrooms that are used exclusively by ~~employees or consumers~~. *employees.*

Existing law requires temporary food facilities to be equipped with overhead protection for all food preparation, food storage, and warewashing areas. Existing law requires overhead protection to be made of wood, canvas, or other materials that protect the facility from precipitation, dust, bird and insect droppings, and other contaminants. Existing law exempts from these requirements a temporary food facility that is approved for limited food preparation if flying insects, vermin, birds, and other pests are absent due to the location of the facility or other limiting conditions.

This bill would additionally exempt a temporary food facility that is approved for limited food preparation from these requirements if environmental factors that could contaminate the food are absent due to the location of the facility or other limiting conditions.

By revising the standards that must be enforced by local health agencies and by expanding the scope of existing crimes, the bill would impose a state-mandated local program.

~~(2)The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.~~

~~This bill would exempt from the requirements of CEQA permanent outdoor dining structures. Because a lead agency would be required to determine if a project qualifies for this exemption, this bill would impose a state-mandated local program.~~

~~(3)The California Coastal Act of 1976, among other things, requires anyone wishing to perform or undertake any development in the coastal zone, in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, to obtain a coastal development permit from the California Coastal Commission or a local government, as provided. The act provides that a coastal development permit is not required for specified types of development in specified areas, as provided.~~

~~This bill would provide that a coastal development permit is not required for the development of an outdoor dining patio adjoining a restaurant, as provided. To the extent this bill would create additional duties for a local government, the bill would impose a state-mandated local program.~~

~~(4)The~~

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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

SECTION 1. Section 114201 of the Health and Safety Code is amended to read:

114201. (a) If provided, a grease trap or grease interceptor shall not be located in a food preparation or utensil handling area unless specifically approved by the enforcement agency.

(b) Grease traps and grease interceptors shall be easily accessible for servicing.

(c) Notwithstanding subdivision (a), this section shall not apply to ~~either of the following:~~ *a grease trap or grease interceptor if all of the following conditions are met:*

~~(1) An aboveground grease trap installed under a three-compartment sink under the following conditions:~~

~~(A)~~

(1) A structural hardship can be determined preventing the grease trap or grease interceptor from being installed in an area not designated for food preparation or food storage or a utensil handling area.

~~(B)~~

(2) The site can provide a cleaning or maintenance plan that indicates how and when ~~this grease trap~~ the grease trap or grease interceptor will be accessed for service to prevent any cross contamination of food or food contact surfaces.

~~(C)~~

(3) The site can provide procedures that will be taken to properly clean and sanitize the area following servicing.

~~(2) Any~~

(d) Notwithstanding subdivision (a), this section shall not apply to a food facility approved with a grease trap or grease interceptor that is in operation before the effective date of this part.

SEC. 2. Section 114259.2 of the Health and Safety Code is amended to read:

114259.2. (a) Passthrough window service openings that are limited to no more than 216 square inches shall not be closer together than 18 inches and shall be provided with a solid or screened window that is closed when not in use. Screening shall be at least 16 mesh per square inch. The counter surface of the service openings shall be smooth and easily cleanable.

(b) A passthrough window service opening of up to 432 square inches is approved if equipped with an air curtain device or equipped with a self-closing device. The counter surface of the service opening shall be smooth and easily cleanable.

(c) A passthrough ~~window~~ service opening that is larger than 432 square inches is approved if equipped with both a self-closing device and an air curtain device. The counter surface of the service opening shall be smooth and easily cleanable.

(d) The enforcement agency may approve alternative passthrough window or other service openings if the proposed alternative can adequately maintain exclusion of vermin or other means of contamination.

SEC. 3. Section 114271 of the Health and Safety Code is amended to read:

114271. (a) Except as provided in subdivision (b), the walls and ceilings of all rooms shall be of a durable, smooth, nonabsorbent, and easily cleanable surface.

(b) This section shall not apply to any of the following areas:

(1) Walls and ceilings of bar areas in which beverages are sold, served, or dispensed directly to the consumers, except wall areas adjacent to bar sinks and areas where food is prepared.

(2) Areas where food is stored only in unopened bottles, cans, cartons, sacks, or other original shipping containers.

(3) Dining and sales areas.

(4) Offices.

(5) Restrooms that are used exclusively by the ~~employees or consumers;~~ *employees*, except that the walls and ceilings in the restrooms shall be of a nonabsorbent and washable surface.

(6) Dressing rooms, dressing areas, or locker areas.

(c) Acoustical paneling may be utilized if it is installed not less than six feet above the floor. The paneling shall meet the other requirements of this section.

(d) Conduits of all types shall be installed within walls as practicable. When otherwise installed, they shall be mounted or enclosed so as to facilitate cleaning.

(e) Attachments to walls and ceilings, such as light fixtures, mechanical room ventilation system components, vent covers, wall mounted fans, decorative items, and other attachments, shall be easily cleanable.

SEC. 4. Section 114349 of the Health and Safety Code is amended to read:

114349. (a) Temporary food facilities shall be equipped with overhead protection for all food preparation, food storage, and warewashing areas. Overhead protection shall be made of wood, canvas, or other materials that protect the facility from precipitation, dust, bird and insect droppings, and other contaminants.

(b) Temporary food facilities that handle nonprepackaged food shall also protect food from contamination in one of the following ways:

(1) Enclosure of the food facility with 16 mesh per square inch screens.

(2) Limiting display and handling of nonprepackaged food in food compartments.

(3) Other alternative, effective means approved by the enforcement officer.

(c) Notwithstanding Section 113984, this section does not apply to temporary food facilities that are approved for limited food preparation if flying insects, vermin, birds, other pests, and environmental factors, including, but not limited to, precipitation and wind that could contaminate the food, are absent due to the location of the facility or other limiting conditions.

~~SEC. 5. Section 21080.68 is added to the Public Resources Code, to read:~~

~~21080.68. This division does not apply to permanent outdoor dining structures.~~

~~SEC. 6. Section 30610 of the Public Resources Code is amended to read:~~

~~30610. Notwithstanding any other provision of this division, a coastal development permit shall not be required pursuant to this chapter for the following types of development and in the following areas:~~

~~(a) Improvements to existing single-family residences; provided, however, that the commission shall specify, by regulation, those classes of development that involve a risk of adverse environmental effect and shall require that a coastal development permit be obtained pursuant to this chapter.~~

~~(b) Improvements to a structure other than a single-family residence or a public works facility; provided, however, that the commission shall specify, by regulation, those types of improvements that (1) involve a risk of adverse environmental effect, (2) adversely affect public access, or (3) involve a change in use contrary to any policy of this division. Any improvement so specified by the commission shall require a coastal development permit.~~

~~(c) Maintenance dredging of existing navigation channels or moving dredged material from those channels to a disposal area outside the coastal zone, pursuant to a permit from the United States Army Corps of Engineers.~~

~~(d) Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities; provided, however, that if the commission determines that certain extraordinary methods of repair and maintenance involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained pursuant to this chapter.~~

~~(e) Any category of development, or any category of development within a specifically defined geographic area, that the commission, after public hearing, and by two-thirds vote of its appointed members, has described or identified and with respect to which the commission has found that there is no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along, the coast and, where the exclusion precedes certification of the applicable local coastal program, that the exclusion will not impair the ability of local government to prepare a local coastal program.~~

~~(f) The installation, testing, and placement in service or the replacement of a necessary utility connection between an existing service facility and a development approved pursuant to this division; provided, however, that the commission may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources.~~

~~(g)(1) The replacement of a structure, other than a public works facility, destroyed by a disaster. The replacement structure shall~~

conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure:

(2) For purposes of this subdivision, the following definitions apply:

(A) "Disaster" means a situation in which the force or forces that destroyed the structure to be replaced were beyond the control of its owner.

(B) "Bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(C) "Structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

(h) Any activity anywhere in the coastal zone that involves the conversion of any existing multiple-unit residential structure to a time-share project, estate, or use, as defined in Section 11212 of the Business and Professions Code. If any improvement to an existing structure is otherwise exempt from the permit requirements of this division, no coastal development permit shall be required for that improvement on the basis that it is to be made in connection with any conversion exempt pursuant to this subdivision. The division of a multiple-unit residential structure into condominiums, as defined in Section 783 of the Civil Code, shall not be considered a time-share project, estate, or use for purposes of this subdivision.

(i) (1) Any proposed development that the executive director finds to be a temporary event that does not have any significant adverse impact upon coastal resources within the meaning of guidelines adopted pursuant to this subdivision by the commission. The commission shall, after public hearing, adopt guidelines to implement this subdivision to assist local governments and persons planning temporary events in complying with this division by specifying the standards that the executive director shall use in determining whether a temporary event is excluded from permit requirements pursuant to this subdivision. The guidelines adopted pursuant to this subdivision shall be exempt from the review of the Office of Administrative Law and from the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code:

(2) Exclusion or waiver from the coastal development permit requirements of this division pursuant to this subdivision does not diminish, waive, or otherwise prevent the commission from asserting and exercising its coastal development permit jurisdiction over any temporary event at any time if the commission determines that the exercise of its jurisdiction is necessary to implement the coastal resource protection policies of Chapter 3 (commencing with Section 30200).

(j) The development of an outdoor dining patio adjoining a restaurant, including, but not limited to, an outdoor dining patio that was developed during the state of emergency proclaimed by the Governor on March 4, 2020, in response to the COVID-19 pandemic.

SEC. 7. SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.