
SENATE COMMITTEE ON HEALTH

Senator Akilah Weber Pierson, Chair

BILL NO: AB 1915
AUTHOR: Gabriel and Wicks
VERSION: March 23, 2026
HEARING DATE: June 17, 2026
CONSULTANT: Vincent D. Marchand

SUBJECT: Accelerated restaurant equipment permitting approval: retail food safety

SUMMARY: Makes various changes to the California Retail Food Code, including establishing requirements for “par cooking” raw animal foods, revising grease trap requirements, and revising passthrough window requirements. Requires the Building Standards Commission, as part of its next triennial update, to adopt various building standards related to restrooms, drinking fountains, cooking equipment, and dishwashers. Establishes an accelerated local permitting process for like-for-like equipment installations in restaurants.

Existing law:

- 1) Establishes the California Retail Food Code (CalCode) to provide for the regulation of retail food facilities. Health and sanitation standards are established at the state level through the CalCode, while enforcement is charged to local agencies, carried out by the 58 county environmental health departments, and four city environmental health departments (Berkeley, Long Beach, Pasadena, and Vernon). [HSC §113700, et seq.]
- 2) Requires primary responsibility for the enforcement of the CalCode to be with the local enforcement agency, but provides that nothing prevents the California Department of Public Health (CDPH) from taking any necessary program or enforcement actions for the protection of public health and safety. Requires CDPH to provide technical assistance, training, standardization, program evaluation, and other services to local health agencies as necessary to ensure the uniform interpretation and application of the CalCode, when an appropriation is made for this purpose. [HSC §113713]
- 3) Requires any construction, alteration, remodeling, or operation of a food facility to be approved by the local enforcement agency, and to be in accordance with all applicable local, state, and federal statutes, regulations, and ordinances, including fire, building, and zoning codes. [HSC §113715]
- 4) Defines a “food facility” as an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level. Excludes various entities from the definition of a “food facility,” including a cottage food operation, and a church, private club, or other nonprofit association that gives or sells food to its members and guests, and not to the general public, at an event that occurs no more than three days in any 90-day period. [HSC §113789]
- 5) Requires food facilities to provide clean toilet rooms in good repair and conveniently located and accessible for use by employees during all hours of operation. Requires the number of toilet facilities to be in accordance with applicable local building and plumbing ordinances. [HSC §114250]

- 6) Requires a food facility to provide clean toilet facilities in good repair for guests, consumers, or invitees when there is onsite consumption of food or when the food facility was constructed after July 1, 1984, and has more than 20,000 square feet of floor space. Requires a building with more than 20,000 square feet of floor space to provide at least one separate toilet facility for men and one separate toilet facility for women. Permits any city or county to enact ordinances that are more restrictive than these requirements. [HSC §114276]
- 7) Provides that food facilities located within amusement parks, stadiums, arenas, food courts, fairgrounds, and similar premises are not required to provide toilet facilities for employee use within each food facility if approved toilet facilities are located within 200 feet of each food facility and are readily available for use by employees, as specified. [HSC §114250.1]
- 8) Establishes the California Building Standards Law and California Building Standards Commission (BSC), and requires any building standard adopted or proposed by state agencies to be submitted to, and approved or adopted by, the BSC prior to codification. [HSC 18901 et seq. and §18930]
- 9) Requires building standards adopted by state agencies and submitted to the BSC for approval to be accompanied by an analysis written by the adopting agency or state agency that proposes the standards, and requires this analysis to justify the approval, to the satisfaction of the BSC, by the following criteria:
 - a) The proposed building standards do not conflict with, overlap, or duplicate other building standards;
 - b) The proposed building standard is within the parameters established by enabling legislation and is not expressly within the exclusive jurisdiction of another agency;
 - c) The public interest, as specified, requires the adoption of the building standards;
 - d) The proposed building standard is not unreasonable, arbitrary, unfair, or capricious;
 - e) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards;
 - f) The proposed building standard is not unnecessarily ambitious or vague;
 - g) The applicable national specifications, published standards, and model codes have been incorporated, where appropriate;
 - h) The format of the proposed building standards is consistent with that adopted by the BSC; and,
 - i) The proposed building standard, if it promotes fire and panic safety, as determined by the State Fire Marshal, has the written approval of the State Fire Marshal. [HSC §18930]

This bill:

- 1) Requires the BSC, as part of the next triennial update of the California Building Standards Code that occurs beginning January 1, 2027, to adopt building standards that:
 - a) Permit a business establishment that is takeout-only to operate without providing customer restrooms;
 - b) Permit a business establishment, regardless of whether the business establishment sells alcohol, with a maximum occupancy of 49 persons, to provide restrooms without urinals;
 - c) Permit a business establishment to install up to 1,000 square feet of patio seating without providing additional restrooms;
 - d) Permit a business establishment that serves alcohol to satisfy a requirement to provide restrooms by exclusively providing restrooms for use by all genders;
 - e) Permit a business establishment with a maximum occupancy of 100 occupants to operate without drinking fountains;

- f) Authorize a business establishment to operate cooking equipment without installing a Type 1 hood, as defined, over the cooking equipment, provided that the cooking equipment is operated for the purpose of baking and the equipment does not produce cooking odors, smoke, grease, or vapor; and,
 - g) Permit a business establishment to operate an under-the-counter dishwasher without installing a mechanical exhaust system over the dishwasher.
- 2) Defines “noncontinuous cooking,” also known as “par-cooking,” as the cooking of food in a facility using a process in which the initial heating of the food is intentionally halted so that it may be cooled and held for complete cooking at a later time prior to sale or service. Excludes from this definition cooking procedures that only involve temporarily interrupting or slowing an otherwise continuous cooking process.
- 3) Requires raw animal foods that are cooked using a noncontinuous process, as defined in this bill, to be subject to all of the following requirements:
- a) By subject to an initial heating process that is no longer than 60 minutes in duration;
 - b) Immediately after initial heating, cooled according to the time and temperature requirements for cooked potentially hazardous foods, as specified in existing law;
 - c) After cooling, held frozen or cold, as specified under existing law for potentially hazardous foods;
 - d) Prior to sale or service, cooked using a process that heats all parts of the food to a temperature and for a time as specified under existing law requirements for raw animal foods;
 - e) Cooled according to the time and temperature parameters specified for cooked potentially hazardous foods if not either hot held, as specified, served immediately, or held using time as a public health control, as specified, after complete cooking; and,
 - f) Prepared and stored according to written procedures that meet all of the following conditions:
 - i) Are maintained in the food facility and are available to the enforcement agency upon request;
 - ii) Describe how the requirements specified in this bill are to be monitored and documented by the permitholder and the corrective actions to be taken if the requirements are not met;
 - iii) Describe how the foods, after initial heating, but prior to complete cooking, are to be marked or otherwise identified as foods that are required to be further cooked as required by this bill prior to being offered for sale or service; and,
 - iv) Describe how the foods, after initial heating but prior to final cooking, are to be separated from ready-to-eat foods.
- 4) Revises requirements pertaining to grease traps and grease interceptors at retail food facilities, which are currently prohibited from being located in a food or utensil handling area unless specifically approved by enforcement agency, to instead permit an aboveground grease trap installed under a three-compartment sink under the following conditions:
- a) A structural hardship can be determined preventing the grease trap from being installed in an area not designated for food preparation or storage or a utensil handling area;
 - b) The site can provide a cleaning or maintenance plan that indicates how and when this grease trap will be accessed for service to prevent cross contamination of food or food contact surfaces; and,
 - c) The site can provide procedures that will be taken to properly clean and sanitize the area following servicing.

- 5) Revises the requirement for “pass-through window service openings” in retail food facilities, which are currently limited to being no more than 216 square inches and must be equipped with a self-closing device, or can be up to 432 square inches if equipped with an air curtain device, by allowing a window to be closed when not in use rather than having a self-closing device, and by permitting a pass-through window that is larger than 432 square inches if at a drive-through and it is equipped with both a self-closing device and an air curtain device.
- 6) Revises the list of exemptions from a requirement that the walls and ceilings of all rooms in a retail food facility to be of a durable, smooth, nonabsorbent, and easily cleanable surface, which currently exempts bar areas where alcoholic beverages are sold, to apply this exemption to areas where any beverages are sold, served, or dispensed.
- 7) Makes other minor, technical changes to provisions of law governing retail food facilities.
- 8) Establishes a process to accelerate and streamline the local permitting process for “like-for-like” restaurant equipment installations, defined as the installation or replacement of commercial food service equipment that is substantially similar in size, function, and utility to existing approved equipment and does not change or modify things like structural elements or life safety systems. Limits this process to restaurants that are not fast food restaurants, which are defined in existing law as a limited-service restaurant that is part of a national fast food chain.
- 9) Requires a local building department, under the accelerated like-for-like permitting process, to allow a qualified licensed contractor who meets specified requirements to be a “certifier,” including having at least five years of relevant experience and at least \$2 million in general liability insurance, to submit a certification of compliance with applicable codes. Requires this certification to satisfy the inspection requirement for the qualifying installation.
- 10) Specifies that the certification does not exempt the project from permit requirements, and requires the licensed contractor certifier to submit an affidavit, under penalty of perjury, attesting that the equipment installation complies with all applicable codes, and the work is limited to like-for-like equipment installation.
- 11) Requires a local building department to approve or deny a complete permit application under the accelerated like-for-like permitting process within 10 business days of receipt, and if the building department does not approve or deny the application within the 10 days, requires the permit to be deemed approved provided all required fees have been paid.
- 12) Provides that a false statement made by a licensed commercial contractor as part of the certification submitted under the accelerated local permitting process for like-for-like restaurant equipment installations, constitutes grounds for disciplinary action by the Contractors State License Board (CSLB).
- 13) Requires the licensed contractor certifier to be liable for damages arising from negligent or false certification, and requires the applicant to indemnify the local agency from property damage or personal injury arising from construction performed under the accelerated permitting process.

- 14) Requires a city or county to adopt reasonable administrative requirements to implement the like-for-like permitting process.

FISCAL EFFECT: According to the Assembly Appropriations Committee, BSC would need to hire a two-year limited-term associate architect to research, develop, and propose the subject standards. BSC estimates costs of \$296,000 in fiscal year (FY) 2029-30 and \$306,000 in FY 2030-31 (Building Standards Administration Special Revolving Fund and Department of General Services Service Revolving Fund). BSC explains this bill will also have an unknown fiscal impact to the State Fire Marshal, Department of Health Care Access and Information (HCAI), Division of the State Architect, Energy Commission, and other agencies through its effects on the funds cited. Costs of an unknown but potentially significant amount to the CSLB, which expects this bill will increase complaints from local building departments, other agencies, and consumers regarding negligent or false certifications of compliance with building codes (Contractors License Fund). CSLB notes such cases require the same level of investigative work as other disciplinary matters, including reviewing certification packets submitted by local agencies, coordinating with local building departments to verify permit timelines, and determining whether misrepresentation or false statements warrant disciplinary action. CSLB states it will need an additional position for every additional 53 complaints per year. Costs of an unknown but likely absorbable amount to CDPH. The California Conference of Directors of Environmental Health anticipates no costs to local environmental health agencies.

PRIOR VOTES:

Assembly Floor:	79 - 0
Assembly Appropriations Committee:	15 - 0
Assembly Business and Professions Committee	18 - 0
Assembly Health Committee:	16 - 0

COMMENTS:

- 1) *Author’s statement.* According to the author, California's neighborhood restaurants are the heart of our communities, yet so many are fighting just to survive. This bill is a commitment to stand beside them, offering the support they need to launch, adapt, and thrive. When local restaurants succeed, our communities are stronger for it.

- 2) *Background on process for adopting building standards.* The California Building Standards Code is published on a triennial basis in Title 24 of the California Code of Regulations. There are also interim updates at 18 months between triennial cycles. According to the BSC, they are currently in the 2024 cycle of the triennial edition, which will be published as the 2025 edition of Title 24. Amendments to California’s building standards are subject to a lengthy and transparent public participation process throughout each code adoption cycle. Through this process, relevant state agencies propose amendments to building codes, which the BSC must then adopt, modify, or reject. The BSC is the “originating agency,” or the state agency responsible for proposing building standards, for only certain types of building codes, such as “green building standards” for nonresidential buildings, state buildings, and state university buildings. Some building standards are statutorily assigned to other departments, such as the HCAI as the responsible state agency for proposing hospital and clinic building standards. Where there is no state agency that is specifically designated as the responsible state agency to make alternative building standards proposals, the BSC adopts national model codes. The CalCode, which governs restaurants, includes some specific building specifications, including types of handwashing requirements, what surfaces are required to be

made of, cooking vent hood requirements etc. Where there are not specific requirements in CalCode, whatever building standards have been adopted, which are often model codes, would be applied to the restaurant construction project.

- 3) *Restroom and drinking fountain requirements.* Most of the changes to building standards that this bill is requiring the BSC to adopt, relating to restroom requirements and drinking fountains, are in the California Plumbing Code, and are based on model codes but with some BSC-adopted modifications. Requirements are specific to building types, and for purposes of this bill, the occupancy category is for “restaurants, pubs, lounges, nightclubs and banquet halls.” The code includes a chart showing the number of water closets, urinals, lavatories, and drinking fountain fixtures per person. For water closets (toilets) for men, there needs to be one toilet for men up to 50 people, two toilets for between 51 and 150 people, three for up to 300, and it goes up from there. For women, one toilet is required for up to 25 people, two for 26 to 50, three for 51 to 100, four for 101 to 200, and it goes up from there. One urinal is required for men for up to 200 people, and two for 201 to 300, and it goes up from there. At least one drinking fountain is required for the first 250 people, two for between 251 and 500, and it goes up from there. Building codes generally only apply going forward, so buildings constructed before a requirement was added to a code can continue operating without that requirement, unless otherwise required.
- 4) *Author’s explanation for the building code changes in this bill.* With regard to the building code changes proposed by this bill, the author provided the following explanations:
 - a) Eliminating customer restroom requirement for takeout-only operations. The author states that customers are not lingering on premises at takeout-only operations. Eliminating the requirement for takeout-only restaurants to provide a customer restroom reduces buildout costs dramatically, lowering the barrier to entry for entrepreneurs and allowing them to operate in smaller, more affordable spaces.
 - b) Authorizing a business with up to 49 people to provide restrooms without urinals. The author states that urinals require additional plumbing rough-in, wall space, and installation cost, and that for restaurants with a maximum occupancy of 49 people, the volume of restroom use is low enough that a standard toilet-only restroom adequately services the population.
 - c) Authorizing a business to install up to 1,000 square feet of patio seating without providing additional restrooms. The author states that outdoor dining has become essential to the viability of restaurants and cafes, but adding square footage even outdoors can trigger costly restroom expansion requirements under building codes. Outdoor patrons have access to the indoor restrooms, and the 1,000 square foot cap limits the additional patron load to a range that existing restroom capacity can reasonably provide.
 - d) Authorizes a business that serves alcohol to satisfy restroom requirements with restrooms that can be used by all genders. The author states that traditional codes often require separate sex-designated restrooms, which effectively double the plumbing and square footage needed, which is especially impactful in urban markets where square footage is extremely expensive.
 - e) Authorizes a business with a maximum occupancy of 100 people to operate without drinking fountains. The author states that the cost of drinking fountain installation is a disproportionate cost relative to the benefit, since water is already included as a part of a restaurant’s normal service.
- 5) *Explanation for retail food code changes.* The most significant change to the CalCode by this bill is establishing regulatory parameters for “par cooking,” or non-continuous cooking

of raw animal foods. The author notes that par cooking is a common food practice, especially in large hotel and catering operations. Because it is not defined in state law, however, jurisdictions have not been consistent in allowing the practice. This language already existed in the national Model Food Code that the CalCode is based on, and so this is just adopting the par cooking requirements from the Model Food Code. Other changes, including the grease trap requirements, pass-through windows, modifications to handwashing sinks, and others, are all relatively minor and technical modifications that have been agreed to between the restaurant industry and the local environmental health directors.

- 6) *Triple referral.* This bill is triple referred. Should it pass out of this Committee, it will be referred to the Senate Committee on Housing, followed by the Senate Committee on Business, Professions, and Economic Development.
- 7) *Related legislation.* SB 918 (Seyarto) revises the requirements for “passthrough window service openings” of a restaurant, by allowing local enforcement agencies to approve larger passthrough openings if the passthrough window opening is equipped with both a self-closing device and an air curtain device. SB 918 is very similar to one of the provisions of this bill. *SB 918 is pending in the Assembly Appropriations Committee.*
- 8) *Prior legislation.* AB 671 (Wicks and Gabriel, Chapter 470, Statutes of 2025) establishes an accelerated planning process for non-fast food restaurants that require a local building department to allow an applicant to have a qualified professional certifier certify that the plans for a tenant improvement relating to the restaurant’s interior comply with applicable building, health, and safety codes. AB 671 specifies that certification under this process does not exempt a tenant improvement from other mandatory construction inspections, including various code inspections conducted during or after construction.

AB 1470 (Haney of 2025) would have modifying requirements pertaining to grease traps and pass-through windows in restaurants, and additionally exempted permanent outdoor dining structures from the California Environmental Quality Act and the California Coastal Commission. *AB 1470 was held on the Senate Appropriations Committee suspense file.*

AB 2550 (Gabriel of 2024) contained some of the same provisions of this bill, including the requirement that the BSC adopt building standards to permit restaurants to have more flexibility with restroom and drinking fountain requirements and other buildings standards, and the modifications pertaining to grease traps and pass-through windows in restaurants. *AB 2550 was held on the Senate Appropriations Committee suspense file.*

SB 1194 (Allen, Chapter 839, Statutes of 2022) permits a local government to require, by ordinance or resolution, that multi-stall public restroom facilities within its jurisdiction be designed, constructed, and identified for use by all genders.

AB 1632 (Weber, Chapter 893, Statutes of 2022) requires a place of business that has a toilet facility for its employees to allow an individual who is lawfully on the premises to use that toilet facility during normal business hours if the individual has an eligible medical condition or uses an ostomy device, and if specified conditions are met.

AB 1732 (Ting, Chapter 818, Statutes of 2016) requires all single-user toilet facilities in any business establishment, place of public accommodation, or government agency to be identified as all-gender toilet facilities, as specified.

- 9) *Support.* This bill is sponsored by the Independent Hospitality Coalition (IHC), which states that this bill reduces barriers to entry, lowers the costs of doing business, and creates more opportunities for California's small business community to thrive. IHC notes that prior to the pandemic, the restaurant and food service sector employed approximately 400,000 to 500,000 workers in the Greater Los Angeles region alone, yet today, the industry is facing sustained economic pressure. Across the United States, more than 72,000 restaurants closed in 2024, and restaurant bankruptcies reached their highest levels since the pandemic. According to the National Restaurant Association, 42% of operators reported that they were not profitable in 2025. In this environment, reducing the cost of opening and operating a business is not just helpful, it is essential. This bill represents a practical, consensus-driven solution, and is the result of ongoing collaboration between small business stakeholders, industry professionals, and public health regulators to identify areas where outdated or duplicative requirements can be modernized without compromising safety. The California Restaurant Association (CRA) makes similar arguments in support, and states that even a like-for-like equipment swap can trigger weeks-long delays and mandatory inspections that cash-strapped operators cannot afford to wait or pay for. CRA does request an amendment to remove the limitation on the like-for-like accelerated permitting process that prevents fast food restaurants from being able to participate.
- 10) *Oppose unless amended.* The CSLB opposes this bill unless amended, stating that the permitting process provides essential oversight designed to protect the public and business owners from harm by requiring a contractor to comply with established building code requirements and resolve any non-compliant work before the final permit is approved. CSLB states that under this bill, problems that a building inspector would typically identify during inspections may go undetected, potentially creating hazardous conditions to the public and property owner. CSLB states that this bill diverts responsibility for code and trade-standard compliance from building departments to CSLB by allowing contractors to bypass inspection by local building officials. Restaurant owners who encounter subpar construction work will undoubtedly seek resolution by filing complaints with CSLB. CSLB anticipates a substantial increase in complaints from restaurant owners and local building departments, regarding negligent or false certifications resulting from this bill. CSLB is requesting that the provisions allowing contractors to self-certify that their installation of restaurant equipment complies with building standards in lieu of an inspection by a local building official be amended out of the bill.
- 11) *Policy comment.* According to the BSC, they only have original jurisdiction, and therefore the ability to propose building standards, for certain types of buildings, and restaurants are not among them. Therefore, rather than require the BSC to adopt the building requirements as proposed in this bill, normally the department with jurisdiction over the building type would be assigned the responsibility for proposing these changes, which would then be submitted to BSC for approval and adoption. The challenge is that although retail food facilities fall under the overall jurisdiction of CDPH, local agencies are the primary enforcement entities, and to the extent there are specific building requirements for restaurants, they are spelled out in the CalCode. The California Conference of Directors of Environmental Health (CCDEH), which is the association of local enforcement agencies, has a Food Safety Policy Committee that works with various stakeholders, including the restaurant industry, to develop recommendations on amendments to the CalCode, which CCDEH would then seek legislation to implement. However, most of the changes that this bill is requiring the BSC to adopt are not requirements in the CalCode, but are requirements

in the plumbing code that are typically derived from national model codes. To change these specifically for a type of establishment, such as restaurants, the BSC would typically look to the responsible department to propose standards. In this case, the closest department is CDPH, but as described above, CDPH typically has very little involvement in restaurant building requirements, deferring to CCDEH. The author may wish to consider requiring CDPH, after receiving input from local environmental enforcement agencies, to propose these changes to the BSC.

SUPPORT AND OPPOSITION:

- Support:** Independent Hospitality Coalition (sponsor)
Betsy Restaurant
Burger She Wrote
California Association of Environmental Health Administrators
California Community Foundation
California Restaurant Association
California Travel Association
California Association for Micro Enterprise Opportunity
Central City Association of Los Angeles
Chick-fil-a
Civil Coffee
Council of Infill Builders
Day by Day Hospitality
Ferrazzanis
Golden Gate Restaurant Association
Inclusive Action for the City
Last Word Hospitality
Latino Restaurant Association
Little Tokyo Service Center
Truly Pizza
Venice Chamber of Commerce
Westside Council of Chambers of Commerce

- Oppose:** California Contractors State License Board (unless amended)

-- END --