

Date of Hearing: June 9, 2026

ASSEMBLY COMMITTEE ON HEALTH
Mia Bonta, Chair
SB 918 (Seyarto) – As Amended April 6, 2026

SENATE VOTE: 38-0

SUBJECT: Food facilities: retail food safety.

SUMMARY: Revises the requirements for “passthrough window service openings” of a restaurant by allowing local enforcement agencies to approve larger passthrough openings (currently limited to 432 square inches) if the passthrough window opening is equipped with both a self-closing device and an air curtain device. Specifically, **this bill:**

- 1) Deletes an existing requirement that passthrough service windows of 216 square inches or less be equipped with a self-closing device and instead requires that the window be closed when not in use.
- 2) Deletes the existing requirement that passthrough windows of up to 432 square inches be equipped with an air curtain device, and instead authorizes a passthrough window service opening of between 216 square inches and 432 square inches to be approved by a local enforcement agency if equipped with an air curtain device or a self-closing device.
- 3) Authorizes a passthrough service opening that is larger than 432 square inches to be approved by a local enforcement agency if equipped with both a self-closing device and an air curtain device. Requires the counter surface of the service opening, if applicable, to be smooth and easily cleanable.
- 4) Requires a passthrough window or other service opening to be used specifically for food delivery operations and not as a general entrance or exit for employees or customers.

EXISTING LAW:

- 1) Establishes the California Retail Food Code (CRFC) to provide for the regulation of retail food facilities. Establishes health and sanitation standards at the state level through the CRFC, 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). [Health & Safety Code (HSC) § 113700, *et seq.*]
- 2) Requires primary responsibility for the enforcement of the CRFC to be with the local enforcement agency, but provides that nothing prevents the State Department of Public Health (DPH) from taking any necessary program or enforcement actions for the protection of public health and safety. Requires DPH 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 CRFC, when an appropriation is made for this purpose. [HSC § 113713]
- 3) 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, among other things, 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]

- 4) Limits passthrough window service openings to 216 square inches each and prohibits the service openings from being closer together than 18 inches. Requires each opening to be provided with a solid or screened window, equipped with a self-closing device. Requires screening to be at least 16 mesh per square inch. Approves passthrough windows of up to 432 square inches if equipped with an air curtain device. Requires the counter surface of the service openings to be smooth and easily cleanable. [HSC § 114259.2]
- 5) Requires a person proposing to build or remodel a food facility to submit complete, easily readable plans drawn to scale, and specifications to the enforcement agency for review and to receive plan approval before starting any new construction or remodeling of a facility for use as a retail food facility. Authorizes plans and specifications to be required by the enforcement agency if the agency determines that they are necessary to ensure compliance with the CRFC, as specified. [HSC § 114380]

FISCAL EFFECT: According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

COMMENTS:

- 1) **PURPOSE OF THIS BILL.** According to the author, this bill will modernize California’s drive-through service rules to reflect how restaurants operate today while maintaining strong food safety protections. The author states that current law was built around small passthrough windows and can unintentionally block modern designs like two-lane drive-throughs from serving customers efficiently from inside the building. The author contends that this forces some restaurants to use workarounds that are less safe and take longer because employees must walk out through the entrance, navigate around drive-through traffic to reach the outer lane, deliver the order, then walk back the same way. The author states that this bill updates the CRFC to allow bigger drive-through openings with required safety features like air curtains and self-closing doors. The author states that this bill also clarifies that these openings may only be used for food delivery operations and not as regular pedestrian entrances. The author concludes that this fix keeps California's health and safety rules strong while making drive-throughs work better across the state.
- 2) **BACKGROUND.**
 - a) **CRFC.** The CRFC is modeled after the federal Food and Drug Administration’s (FDA) Model Food Code (MFC), which is updated every four years to enhance food safety laws based on the best available science. Between each four-year period, the FDA makes available a Food Code Supplement that updates, modifies, or clarifies certain provisions. The MFC assists food control jurisdictions at all levels of government by providing them with a scientifically sound technical and legal basis for regulating the retail and food service segment of the industry, such as restaurants, grocery stores, and institutions like nursing homes. Forty-eight states and territories have adopted food codes patterned after the MFC, representing 80% of the United States’ population.

b) Background on the problem this bill seeks to address. Currently, the CRFC restricts passthrough windows to 432 square inches if equipped with an air curtain device. This effectively prohibits full-size sliding or swinging doors (“cockpit/hybrid doors”) from being used as drive-through openings. According to information provided by the author, this means in practice that restaurants with two drive-through lanes often cannot serve both lanes directly from the building. Team members must exit through a side or front employee door, walk around the building, and cross active drive-through traffic to hand food to cars in the outer lane. During peak hours, some restaurants station employees outside for extended periods to hand food directly to vehicles, which increases labor needs and puts workers at risk from moving vehicles and bad weather. Other states like Utah, Nevada, Georgia, Arizona, and New Mexico allow restaurants to use full-size "cockpit doors" with built-in air curtains and automatic closing features. These doors allow restaurants to safely serve both drive-through lanes faster while using fewer staff outside.

This bill updates the CRFC to allow restaurants to use larger drive-through service openings such as larger windows or cockpit/hybrid doors as long as they have food-safety protections, specifically air curtains and/or self-closing features depending on the size of the opening.

- 3) SUPPORT.** The California Association of Environmental Health Administrators (CAEHA) supports this bill, stating that this bill makes targeted updates to the CRFC regarding passthrough window service openings while maintaining essential public health protections. CAEHA states that this bill reflects current technology and operational realities without compromising food safety and supports uniform interpretation by local enforcement agencies and reduces compliance uncertainty for food facility operators. This balanced approach supports innovation while ensuring continued protection of community health. CAEHA states that this bill reflects recommendations developed by the California Conference of Environmental Health Directors, informed by the practical experience of local health departments responsible for implementing and enforcing the CRFC statewide. CAEHA concludes that these recommendations advance clarity and consistency while preserving strong public health safeguards.
- 4) RELATED LEGISLATION.** AB 1915 (Gabriel) would make various changes to the CRFC related to milk, non-continuous cooking, raw animal foods, handwashing sinks, refrigeration, grease traps and grease incinerators, and passthrough service window openings. Would require 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. Would establish a streamlined approval process for a local permit for a like-for-like equipment installation (the installation or replacement of substantially similar existing approved equipment) for restaurants. AB 1915 passed the Assembly Health Committee with a 16-0 vote on April 14, 2026.
- 5) PREVIOUS LEGISLATION.**
- a)** AB 2550 (Gabriel) of 2024 would have made various changes to the CRFC, including changes to grease traps, walls and ceilings, restrooms, temporary food facilities, and passthrough window service openings. Would have authorized 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. Would have authorized passthrough window service opening that is larger than 432 square inches if equipped with both a self-closing device and an air curtain device. Would have authorized 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. AB 2550 was held on the Senate Appropriations Committee suspense file.

b) AB 1470 (Haney) of 2025 was substantially similar to AB 2550. AB 1470 was held in the Senate Appropriations Committee suspense file.

- 6) **AMENDMENTS.** Under existing law, passthrough windows are reviewed during the plan check process to ensure they align with CRFC requirements. The language “may be approved if equipped” in this bill reads as permissive and has the potential to lead to inconsistencies in approvals across jurisdictions. To address this concern, the Committee may wish to amend this bill to replace the phrase “may be approved if equipped” with “shall be equipped” and make a technical change clarifying that the larger windows in paragraph (2) and (3) of this bill are authorized notwithstanding paragraph (1) which otherwise limits the windows to 216 square inches each.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association of Environmental Health Administrators (CAEHA)
California Restaurant Association
Southwest California Legislative Council

Opposition

None on file

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