
UNFINISHED BUSINESS

Bill No: SB 918
Author: Seyarto (R), et al.
Amended: 6/11/26
Vote: 21

SENATE HEALTH COMMITTEE: 11-0, 3/25/26

AYES: Weber Pierson, Valladares, Caballero, Durazo, Gonzalez, Grove,
Menjivar, Padilla, Pérez, Rubio, Smallwood-Cuevas

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SENATE FLOOR: 38-0, 4/16/26 (Consent)

AYES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear,
Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez,
Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Niello,
Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Smallwood-Cuevas,
Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

NO VOTE RECORDED: Menjivar, Seyarto

ASSEMBLY FLOOR: 70-0, 7/2/26 (Consent) - See last page for vote

SUBJECT: Food facilities: retail food safety

SOURCE: Author

DIGEST: This bill revises the requirements for “passthrough window service openings” of a restaurant by allowing 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.

Assembly Amendments of 6/11/26 delete the discretion of local enforcement agencies to approve larger passthrough openings, and instead simply requires the larger openings to adhere to the requirements to be equipped with a self-closing device and an air curtain device.

ANALYSIS:

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). [Health and Safety Code (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) 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]
- 4) Requires passthrough window service openings of a food facility to be limited to 216 square inches, not closer together than 18 inches, and be provided with a solid or screened window that is equipped with a self-closing device. Additionally, permits passthrough windows of up to 432 square inches if equipped with an air curtain device. [HSC §114259.2]

This bill:

- 1) Deletes the requirement that passthrough windows of 216 square inches or less have a self-closing device, and instead requires the window to be closed when not in use.

- 2) Deletes the requirement that passthrough windows of up to 432 square inches be equipped with an air curtain device, and instead requires these windows to have either an air curtain device or a self-closing device.
- 3) Requires a passthrough service opening that is larger than 432 square inches to be equipped with both a self-closing device and an air curtain device.
- 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.

Comments

According to the author of this bill:

“This bill will modernize California’s drive-through service rules to reflect how restaurants operate today while maintaining strong food-safety protections. 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. 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. This bill updates CalCode to allow bigger drive-through openings with required safety features like air curtains and self-closing doors. The bill also clarifies that these openings may only be used for passthrough service and not as regular pedestrian entrances. This fix keeps California's health and safety rules strong while making drive-throughs work better across the state.”

Background

Background on problem this bill is addressing. According to the author, Chick-fil-A is an example of a restaurant that is seeking to better serve drive-thru customers by replacing the standard pass-through window with a larger opening that employees can use to walk food to a car in a second drive-thru lane, or to a car that is not first in line and therefore not adjacent to the pass-through window. The current maximum opening of 432 square inches equates to a window that is 18 inches wide and two feet high. However, in other states, Chick-fil-A has been approved to install a food delivery opening where the bottom half can remain closed and the top half serves as a traditional pass-through window, but the bottom half can also slide open to let the employee walk through to complete a delivery.

This bill would allow a local enforcement agency to approve a larger opening as long as it has an automatic closing mechanism along with an air curtain device to prevent flies from entering the restaurant. The current language in this bill prohibits this larger opening from being used as an entrance or exit for employees or customers. However, the author has proposed amendments, that have been negotiated and agreed to by the California Conference of Directors of Environmental Health (representing local enforcement officers), to clarify that the opening is to be used specifically for food delivery operations and not as a “general entrance or exit” for employees or customers.

Related/Prior Legislation

AB 1470 (Haney of 2025), among other provisions, contained a similar modification to the pass-through window requirements in food facilities that is contained in this bill. AB 1470 also contained provisions to modify requirements related to grease traps, and other requirements of food facilities. *AB 1470 was held on the Senate Appropriations Committee suspense file.*

AB 2550 (Gabriel of 2024), among other provisions, contained similar modifications to pass-through window requirements in food facilities as this bill. AB 2550 also required the Building Standards Commission to adopt building standards that reduce bathroom requirements for food facilities. *AB 2550 was held on the Senate Appropriations Committee suspense file.*

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Assembly Committee on Appropriations minor and absorbable costs to the Department of Public Health to respond to technical assistance questions from local environmental health agencies. Minor and absorbable costs to local environmental health agencies that inspect restaurants.

SUPPORT: (Verified 7/20/26)

California Association of Environmental Health Administrators
California Restaurant Association
Southwest California Legislative Council

OPPOSITION: (Verified 7/20/26)

None received

ARGUMENTS IN SUPPORT:

This bill is supported by the Southwest California Legislative Council (SWCLC), which states that it removes unnecessarily restrictive regulations on food facility passthrough windows, providing meaningful operational relief for restaurants and drive-through businesses while maintaining appropriate health and safety standards. SWCLC states that drive-through window service is a significant part of the food service economy throughout Southwest California, and this bill modernizes outdated and overly prescriptive requirements, giving businesses greater design flexibility and allowing local enforcement agencies to approve appropriate alternative configurations, while preserving the health and safety intent of the law. The California Restaurant Association also supports this bill, stating that allowing restaurateurs to choose what pass-through window arrangements best suits their operation is essential to remaining current and maintaining a robust food service economy.

ASSEMBLY FLOOR: 70-0, 7/2/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Fariás, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Caloza, Carrillo, Castillo, Connolly, Davies, DeMaio, Dixon, Flora, Fong, Gabriel, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Bains, Bryan, Calderon, Chen, Elhawary, Ellis, Papan, Ransom, Sanchez

Prepared by: Vincent D. Marchand / HEALTH / (916) 651-4111
7/30/26 14:49:31

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