

Assembly Bill No. 2219

CHAPTER 340

An act to amend Section 114120 of, and to repeal Sections 114125 and 114130 of, the Health and Safety Code, relating to retail food establishments.

[Approved by Governor August 31, 2002. Filed with
Secretary of State September 3, 2002.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2219, Keeley. Retail food establishments.

The existing California Uniform Retail Food Facilities Law regulates sanitary standards in retail food establishments. It is a misdemeanor to violate any provision of, or regulation adopted pursuant to, these provisions.

Existing law requires each food establishment in a building for which construction commenced on or after July 1, 1984, with more than 20,000 square feet of floorspace, to provide at least one separate toilet facility for men and one separate toilet facility for women, in good repair, for patrons, guests, or invitees on property used in connection with, or in, that food establishment.

This bill would require any food establishment with more than 20,000 square feet of floorspace, and any food establishment with less than 20,000 square feet of floorspace that provides space for the consumption of food on the premises, that is in a building constructed on or after January 1, 2004, to provide clean toilet facilities, as specified. The bill would require any food establishment that provides space for the consumption of food on the premises in a building constructed on or before July 1, 1984, to provide clean toilet facilities, as specified, unless the establishment prominently posts a sign stating that toilet facilities are not provided.

This bill would specify that those requirements for restroom facilities that are accessible to patrons, guests, or invitees on the property may be satisfied by permitting access by those persons to the toilet and handwashing facilities that are subject to other requirements.

Because the bill would impose new requirements on food establishments, a violation of which constitutes a crime, the bill would create a new crime, thereby imposing a state-mandated local program.

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.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares that there is a public health need for food establishments to provide restroom facilities to patrons, guests, and invitees. Access to restrooms facilities not only provides convenience to patrons, guests, and invitees, but also provides them with toilet and handwashing facilities to use prior to the consumption of food, which, in turn, decreases the spread of infectious disease.

SEC. 2. Section 114120 of the Health and Safety Code is amended to read:

114120. (a) (1) For any building that is constructed on or after July 1, 1984, but before January 1, 2004, toilet facilities, in good repair, shall be provided for patrons, guests, or invitees on property used in connection with, or in, each food establishment with more than 20,000 square feet of floorspace.

(2) For purposes of a building subject to paragraph (1), there shall be at least one separate toilet facility for men and one separate toilet facility for women.

(b) (1) For any building that is constructed on or after January 1, 2004, clean toilet facilities, in good repair shall be provided for patrons, guests, or invitees on property used in connection with, or in, each food establishment with more than 20,000 square feet of floorspace, and each food establishment with less than 20,000 square feet of floorspace that provides space for the consumption of food on the premises.

(2) A building subject to paragraph (1) that has a food establishment with more than 20,000 square feet of floorspace shall provide at least one separate toilet facility for men and one separate toilet facility for women.

(c) (1) Except as provided in subdivision (a), any building that is constructed before January 1, 2004, that has a food establishment that provides space for the consumption of food on the premises shall provide clean toilet facilities, in good repair, for patrons, guests, or invitees on property used in connection with, or in, the food establishment or comply with the requirements set forth in paragraph (2). To comply with the requirements of this paragraph, it is not necessary to construct or add new toilet facilities.

(2) Toilet facilities shall be provided as specified in paragraph (1), or the food establishment shall prominently post a sign within the



establishment in a public area stating that toilet facilities are not provided. A notice of warning shall be issued for the first violation of this posting requirement. Subsequent violations of this requirement shall be an infraction, which is punishable by a fine of not more than two hundred fifty dollars (\$250).

(d) For the purposes of this section, the gas pump area of a service station that is maintained in conjunction with a food establishment shall not be considered as property used in connection with the food establishment or be considered in determining the square footage of floorspace of the food establishment.

(e) (1) Toilet rooms shall be separated by well-fitted, self-closing doors that prevent passage of flies, dust, or odors.

(2) Handwashing facilities, in good repair, shall be provided for patrons, guests, or invitees within or adjacent to toilet rooms provided pursuant to this section and shall be equipped with hot and cold running water. Handwashing detergent or soap and sanitary towels or hot air blowers shall be provided at handwashing facilities in permanently installed dispensing devices.

(f) Notwithstanding any other provision of law, and except as provided for in paragraph (2) of subdivision (c), a violation of this section shall be an infraction, which is punishable by a fine not exceeding two hundred fifty dollars (\$250).

(g) Any city, county, or city and county may enact ordinances that are more restrictive than the provisions of this section.

(h) The requirements of this section for restroom facilities that are accessible to patrons, guests, or invitees on the property may be satisfied by permitting access by those persons to the toilet and handwashing facilities that are required by other provisions of this chapter.

SEC. 3. Section 114125 of the Health and Safety Code is repealed.

SEC. 4. Section 114130 of the Health and Safety Code is repealed.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because 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.

