

ASSEMBLY BILL

No. 2432

Introduced by Assembly Member John A. Perez

February 19, 2010

An act to amend Section 114276 of the Health and Safety Code, relating to food facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2432, as introduced, John A. Perez. Food facilities: toilet facilities.

Existing law, the California Retail Food Code, requires permanent food facilities to provide clean toilet facilities for consumers, guests, or invitees when there is onsite consumption of foods or, with a specified exception, when the food facility was constructed after July 1, 1984, and has more than 20,000 square feet of floor space. The code requires a building subject to this requirement to provide at least one separate toilet facility for men and one separate toilet facility for women.

This bill would, for purposes of the above-described separate toilet facility requirement, exclude from the calculation of the 20,000 square feet of floor space any area where nonfood-related items are made available for retail sale that comprises more than 10,000 square feet.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

- 1 SECTION 1. Section 114276 of the Health and Safety Code
- 2 is amended to read:

1 114276. (a) A permanent food facility shall provide clean
2 toilet facilities in good repair for use by employees.

3 (b) (1) A permanent food facility shall provide clean toilet
4 facilities in good repair for consumers, guests, or invitees when
5 there is onsite consumption of foods or when the food facility was
6 constructed after July 1, 1984, and has more than 20,000 square
7 feet of floor space.

8 (2) Notwithstanding Section 113984.1, toilet facilities that are
9 provided for use by consumers, guests, or invitees shall be in a
10 location where consumers, guests, and invitees do not pass through
11 food preparation, food storage, or utensil washing areas to reach
12 the toilet facilities.

13 (3) For purposes of this section, a building subject to paragraph
14 (1) that has a food facility with more than 20,000 square feet of
15 floor space shall provide at least one separate toilet facility for
16 men and one separate toilet facility for women.

17 (4) For purposes of this section, the gas pump area of a service
18 station that is maintained in conjunction with a food facility shall
19 not be considered as property used in connection with the food
20 facility or be considered in determining the square footage of floor
21 space of the food facility.

22 (5) *For purposes of paragraph (3), the area where*
23 *nonfood-related items are made available for retail sale shall not*
24 *be considered in determining the square footage of floor space of*
25 *the food facility when this area comprises more than 10,000 square*
26 *feet.*

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

29 (2) Toilet room doors shall be kept closed except during cleaning
30 and maintenance operations.

31 (d) Handwashing facilities, in good repair, shall be provided as
32 specified in Sections 113953 and 113953.3.

33 (e) Any city, county, or city and county may enact ordinances
34 that are more restrictive than this section.

35 (f) (1) Except as provided in paragraph (1) of subdivision (b),
36 any building that is constructed before January 1, 2004, that has
37 a food facility that provides space for the consumption of food on
38 the premises shall either provide clean toilet facilities in good
39 repair for consumers, guests, or invitees on property used in
40 connection with, or in, the food facility or prominently post a sign

1 within the food facility in a public area stating that toilet facilities
2 are not provided.

3 (2) The first violation of paragraph (1) shall result in a warning.
4 Subsequent violations shall constitute an infraction punishable by
5 a fine of not more than two hundred fifty dollars (\$250).

6 (3) The requirements of this section for toilet facilities that are
7 accessible to consumers, guests, or invitees on the property may
8 be satisfied by permitting access by those persons to the toilet and
9 handwashing facilities that are required by this part.

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