

Introduced by Senator CalderonFebruary 18, 2014

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

LEGISLATIVE COUNSEL'S DIGEST

SB 1042, as introduced, Calderon. Food facilities: toilet rooms: baby changing tables.

The California Retail Food Code provides for the regulation of health and sanitation standards for retail food facilities, as defined, by the State Department of Public Health. Under existing law, local health agencies are primarily responsible for enforcing this code. Violation of these provisions is punishable as a misdemeanor.

The code requires a permanent food facility, as defined, to provide clean toilet facilities in good repair for consumers, guests, or invitees if there is onsite consumption of food or if the food facility was constructed after July 1, 1984, and has more than 20,000 square feet of floor space. Existing law requires handwashing facilities to be provided within or adjacent to toilet rooms.

This bill would require those food facilities to provide a baby changing table within or adjacent to those toilet rooms, unless doing so would result in noncompliance with a law ensuring access for persons with disabilities, as determined by the local health inspector.

By expanding a crime and increasing the duties of local enforcement officials, this bill would create state-mandated local programs.

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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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:
 3 114276. (a) A permanent food facility shall provide clean
 4 toilet facilities in good repair for use by employees.
 5 (b) (1) A permanent food facility shall provide clean toilet
 6 facilities in good repair for consumers, guests, or invitees ~~when if~~
 7 there is onsite consumption of ~~foods~~ *food* or ~~when if~~ the food
 8 facility was constructed after July 1, 1984, and has more than
 9 20,000 square feet of floor space.
 10 (2) Notwithstanding Section 113984.1, toilet facilities that are
 11 provided for use by consumers, guests, or invitees shall be in a
 12 location where consumers, guests, and invitees do not pass through
 13 food preparation, food storage, or utensil washing areas to reach
 14 the toilet facilities.
 15 (3) For purposes of this section, a building subject to paragraph
 16 (1) that has a food facility with more than 20,000 square feet of
 17 floor space shall provide at least one separate toilet facility for
 18 men and one separate toilet facility for women.
 19 (4) For purposes of this section, the gas pump area of a service
 20 station that is maintained in conjunction with a food facility ~~shall~~
 21 ~~is not be considered as~~ property used in connection with the food
 22 facility ~~or and shall not be considered included~~ in determining the
 23 square footage of floor space of the food facility.
 24 (c) (1) Toilet rooms shall be separated by well-fitted,
 25 self-closing doors that prevent the passage of flies, dust, or odors.
 26 (2) Toilet room doors shall be kept closed except during cleaning
 27 and maintenance operations.
 28 (d) (1) Handwashing facilities, in good repair, shall be provided
 29 as specified in Sections 113953 and 113953.3.

1 (2) *A baby changing table shall be provided within or adjacent*
2 *to toilet rooms unless the addition of a baby changing table would*
3 *result in noncompliance with a law relating to access for persons*
4 *with disabilities, as determined by the local health inspector.*

5 (e) Any city, county, or city and county may enact ordinances
6 that are more restrictive *or promote a higher standard of health*
7 *or sanitation* than this section.

8 (f) (1) Except as provided in paragraph (1) of subdivision (b),
9 any building that is constructed before January 1, 2004, that has
10 a food facility that provides space for the consumption of food on
11 the premises shall either provide clean toilet facilities in good
12 repair for consumers, guests, or invitees on property used in
13 connection with, or in, the food facility or prominently post a sign
14 within the food facility in a public area stating that toilet facilities
15 are not provided.

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

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

23 SEC. 2. No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution for certain
25 costs that may be incurred by a local agency or school district
26 because, in that regard, this act creates a new crime or infraction,
27 eliminates a crime or infraction, or changes the penalty for a crime
28 or infraction, within the meaning of Section 17556 of the
29 Government Code, or changes the definition of a crime within the
30 meaning of Section 6 of Article XIII B of the California
31 Constitution.

32 However, if the Commission on State Mandates determines that
33 this act contains other costs mandated by the state, reimbursement
34 to local agencies and school districts for those costs shall be made
35 pursuant to Part 7 (commencing with Section 17500) of Division
36 4 of Title 2 of the Government Code.

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