



Health Department Catering Bill (AB 2524)

BACKGROUND AND COMPLIANCE FACT SHEET

BACKGROUND ON BREWERY CLASSIFICATION AS A FOOD PROCESSING FACILITY

Beer is considered a “food” product by federal, state and local health agencies. Breweries are regulated as “*food processing facilities*” under the California Health and Safety Code (CalCode).

A “*food facility*” is where food is served to the public on the premise (such as a restaurant). Food facilities fall under more stringent requirements than a food processing facility. CalCode defines a food facility as “*an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level.*”

Although beer is considered food, brewery tasting rooms are exempt from food facility regulations as long as “*no food, except for crackers, pretzels, or prepackaged food that is not potentially hazardous food is offered for sale or for onsite consumption.*” (This exception became law with the passage in 2011 of CCBA-sponsored legislation Assembly Bill 1014)

If food is prepared, served or sold at a brewery tasting room, then the brewery must comply with food facility regulations. This includes using a caterer or “pop-up” food service.

AB 2524 INTRODUCES NEW FOOD OPTIONS FOR BREWERIES ON LICENSED PREMISES

AB 2524 was passed by the legislature and signed in to law by the Governor and becomes law on January 1, 2019. This new law provides relief to breweries who wish to use a caterer to prepare, serve or sale food to customers on the brewery’s licensed premise. Whereas in the past, the use of a caterer would have triggered all of the food facility regulations (such as special flooring, washable surfaces on walls, coving, etc.), this new law exempts breweries (who apply for and receive a “host facility” permit from their local health department) from many of the food facility regulations.

If you wish to use a caterer on your brewery premise, you should first contact your local health agency to apply for a host facility permit and ask for a copy of the regulations. Specific regulations may vary from county to county.

There are some requirements of the host facility that will be statewide. These include:

- 1) Submission of a site plan that indicates the location of the food service operation, handwashing sinks and restrooms, refuse containers, and waste water disposal facilities.
- 2) Specifications of equipment that will be provided by the host facility to support the catering operation.
- 3) Standard operating procedures that include all of the following information:
 - a. Procedures, methods, and schedules for cleaning equipment and structures, and for the disposal of refuse.



- b. How potentially hazardous food will be maintained in accordance with Section 113996.
- 4) A list of catering operations that will be supported by the host facility with proposed menus.
 - 5) All food, soiled utensils, equipment, tableware, and linen shall be returned to the catering operation for cleaning, sanitizing, and storage.
 - 6) Approved toilet and handwashing facilities shall be available within 200 feet in travel distance of the food service operation.
 - 7) All garbage and refuse shall be stored and disposed of in a manner approved by the enforcement agency.
 - 8) All liquid waste shall be disposed of through the approved plumbing system in a manner approved by the enforcement agency.

The enforcement agency may establish additional structural or operational requirements, or both, based on the proposed facility method of operation to ensure the sanitary operation of a host facility.

FREQUENTLY ASKED QUESTIONS

Q. Do I need to have a host facility permit to have a private party at the brewery catered?

A. No. The host facility permit is only needed when food is being offered for sale to the general public at your brewery tasting room.

Q. Do I need to get a host facility permit for food trucks?

A. No, as long as the food truck is parked off of your licensed premise and the transaction takes place at the food truck.

Q. How much is the host facility permit?

A. That will be determined by each county health department.

Q. Can I get a host facility permit and use it to have a caterer at the brewery all the time?

A. No. A host facility may support a catering operation for up to four hours in any one 12-hour period, unless otherwise approved by the enforcement agency.