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Brewers' Brief: California Department of Public Health (Health Department)

AGENCY ROLE

The California Department of Public Health (CDPH) regulates all food facilities and processing plants in the state of California. California breweries (type 23 and 01 licenses with or without a bona fide eating place) are regulated by the CDPH and must conform to the California Health & Safety Code & California Retail Food Code, commonly referred to as CalCode.

The CalCode defines beer as a “food” product and breweries are regulated as “food processing plants.” ([Section 111955](#)).

All type 23/01 beer manufacturers must comply with the regulations in the CalCode for food processing facilities in addition to [federal](#) and [local](#) regulations. Typically, the local city or county agency enforces regulations, but all agencies have the authority to inspect your brewery.

The CCBA recommends working with your local health department to ensure your brewery is compliant with state and local health department regulations for the brewing and selling of beer.

HEALTH DEPARTMENT REGULATIONS FOR BREWERIES WITH “FOOD FACILITY”

Anytime food is served to the public on the brewery premises, that portion of the brewery must also conform to “food facility” (restaurant) regulations in CalCode.

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.”

If you are a brewpub or bona fide eating establishment your brewery must comply with a list of requirements in the CA [Retail Food Code](#).

HEALTH DEPARTMENT EXCEPTIONS FOR BREWERY TASTING ROOMS (WITHOUT A FOOD FACILITY)

Breweries serving only beer and limited prepackaged food (see below) are exempt from food facility regulations. If you serve any food beyond the restrictions outlined below,



you will be required to conform to the food facility regulations.

EXCEPTION FOR “PRE PACKAGED SNACKS”

In 2011 the CCBA sponsored Assembly Bill 1014 which allowed for an exemption to the food facility regulations for brewery tasting rooms when limited food items are offered. The exemption only applies if the brewery tasting room sells or serves snacks that do not require onsite preparation & come in sealed packages, or crackers and pretzels.

Retail Food Code Section 113789(c)(5):

“no food, except for crackers, pretzels, or prepackaged food that is not potentially hazardous food is offered for sale or for onsite consumption.”

The display cannot exceed 25 square feet (note: this size limitation includes the display for retail sales of beer).

EXCEPTION FOR POP UP CATERERS UNDER “HOST FACILITY” LAW

AB 2524 allows a brewery to host a “pop up” caterer that can prepare, serve or sell food to customers on the brewery’s licensed premise without triggering the food facility regulations (such as special flooring, washable surfaces on walls, coving, etc.).

There are some limitations you should be aware as a “host facility.” [For more information about using a caterer at your brewery check out the CCBA Factsheet on AB 2524](#)

EXCEPTION FOR CUSTOMER BRINGING IN FOOD

California breweries also do not need to conform with all food facility requirements if customers are bringing in their own food that was prepared, served AND purchased off the brewery premises, including at a food truck in the parking lot, a nearby pizza place, etc.

WORKING WITH YOUR HEALTH DEPARTMENT

These exceptions to the CalCode do not nullify the overall authority of the federal, state or local health department to inspect and regulate your brewery. It is not uncommon for local health agencies to adopt additional codes/regulations unique to their local jurisdiction.

Regulatory enforcement is most often conducted by local county and city environmental/public health agencies. The jurisdiction does allow the local, state or

federal health departments to inspect your brewery during normal business hours, including dropping in for unannounced inspections.

Brewery owners should take the time to familiarize themselves with their local health regulations



through the following tools:

- **Identify Your Regulator:** Find out who your local agency is by using the CDPH [Local Health Department Search Tool](#)
- **Identifying Local Regulations:** Each county government prepares a “*Field Guide*” designed to help you navigate state and local health regulations. These are excellent resources to help you better understand your local regulators policies.
 - Example: [Sacramento County’s Retail Food Inspection Field Guide](#)