



# FREQUENTLY ASKED QUESTIONS

## AB 592, GABRIEL. BUSINESS: RETAIL FOOD

Assembly Bill 592 becomes an effective law on January 1, 2026. The new law as it relates to the CA Retail Food Code (CRFC) impacts two sections. The first is Satellite Food Facilities and extends the allowance for satellite operations to operate without first applying and gaining approval, from January 2026 to indefinitely, if that jurisdiction has COVID-19 restrictions in place. The second impact is that it allows certain defined restaurants to operate full food preparation with open windows, folding doors, or nonfixed store fronts during hours of operation, if the restaurant develops, and has approved by the local enforcement agency, an Integrated Pest Management and Food Safety Risk Mitigation Plan.

### **1. What are the significant changes to the CRFC with AB 592?**

The most significant change is the allowance of open-food preparation in certain restaurant types to be conducted with open windows, folding doors or nonfixed store fronts during operational hours in conjunction with an approved Integrated Pest Management and Food Safety Risk Mitigation Plan.

### **2. The law references COVID-19 related restrictions on satellite food facilities. What if my jurisdiction does not have any COVID-19 related restrictions?**

If COVID-19 restrictions are not in place, satellite food facilities must still apply for and obtain all necessary approvals prior to operating.

### **3. What restaurants qualify to operate with open windows, folding doors, or nonfixed store fronts with open food preparation?**

Only restaurants that meet the definition of a bona fide public eating place in section 23038 of the Business and Professions Code: "Bona fide public eating place" means a place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals, the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for keeping of food on said premises and must comply with all the regulations of the local department of health.

"Meals" means the usual assortment of foods commonly ordered at various hours of the day; the service of such food and victuals only as sandwiches or salads shall not be deemed a compliance with this requirement. "Guests" shall mean persons who, during the hours when meals are regularly served therein, come to a bona fide public eating place for the purpose of obtaining, and order and obtain at such time, in good faith, a meal therein.

Examples of facilities that do not qualify as a Bonafide restaurant include markets, schools, licensed healthcare facilities, sandwich shops, shared kitchens, restaurants without on-site dining, and commissaries.

**4. How can I apply to operate with open windows, folding doors or nonfixed store fronts?**

A statewide template has been developed to assist with the submittal of the required information for the Integrated Pest Management and Food Safety Risk Mitigation Plan.

The application process to submit the template, processing time, and any costs associated with the review will vary by jurisdiction.

**5. Will Plan Review be required to operate with open windows, folding doors and nonfixed store fronts?**

Yes, if modifications to the facility are needed to operate in this manner, plan review is required. The plan review process is in addition to the required Integrated Pest Management and Food Safety Risk Mitigation Plan.

**6. Is an Integrated Pest Management and Food Safety Risk Mitigation plan review required?**

Yes, submittal of the Integrated Pest Management and Food Safety Risk Mitigation Plan that details how your restaurant will operate safely and how your restaurant will comply with the requirements to protect the public from vermin is required.

The review and approval of this plan is in addition to any required plan review submittals and approvals to approve the physical modifications proposed.

**7. Once the plan is submitted, can I operate?**

No, written approval by the local jurisdiction is required first before operating in an unenclosed manner, the Integrated Pest Management and Food Safety Risk Mitigation Plan must first be approved by the local jurisdiction. Additionally, any plan review modifications must be approved and inspected. Once both steps have occurred, the restaurant will be given written approval to operate in compliance with the Integrated Pest Management and Food Safety Risk Mitigation Plan.

**8. How often does the approved Integrated Pest Management and Food Safety Risk Mitigation Plan need to be reviewed?**

The plan must be reviewed by the restaurant at a minimum annually or at any time there is a change to the operation of the restaurant. If there is a change to the plan, that must be resubmitted to the local enforcement agency.

Note, a change of ownership at a restaurant requires a new health permit and new submission of a proposed Integrated Pest Management and Food Safety Risk Mitigation Plan, the plan approval is not transferable.

**9. Does an approved Integrated Pest Management and Food Safety Risk Mitigation Plan mean that my restaurant will no longer be marked for a violation if an inspector observed vermin in the facility, now that state law allows the front of my facility to be open during business hours?**

No, the California Retail Food Code still identifies the presence of vermin within a food facility to be an imminent health hazard that requires closure of the facility until the problem has been corrected.

## **10. When can an approved Integrated Pest Management and Food Safety Risk Mitigation Plan be suspended or revoked?**

The approval can be revoked at the discretion of the local enforcement agency, which includes but is not limited to:

- The restaurant is found to be operating with vermin
- The restaurant is not following their approved plan
- The plan has been modified, but was not submitted for reapproval
- Major foodborne illness risk factor violations of the CRFC are observed during an inspection

## **11. What happens when an approved plan is suspended or revoked?**

When an approved plan is suspended, the restaurant may not operate with open windows, folding doors, and an open store front. Correct all violations, revise the plan as needed, and resubmit the updated plan for review. Follow any additional steps or actions requested by the local enforcement agency for re-inspection and reinstatement of the Integrated Pest Management and Food Safety Risk Mitigation Plan.

When an approved plan is revoked, the restaurant may no longer operate with open windows, folding doors or nonfixed store fronts and will be required to permanently rendered closed.

## **12. What happens if there are flies in the restaurant?**

Immediately stop all operations. Close all windows and doors but one and attempt to use fans to push out the flies. Once the flies are gone, clean and sanitize all affected surfaces and then resume operations in the restaurant. Discard any food that was contaminated or landed on by flies. If it is determined that flies are constantly an issue, the facility may not be a candidate to operate in an unclosed manner. All self-closure events must be logged.

**13. What happens if cockroaches or rodents are observed in the restaurant?**

Immediately stop all operations and close the restaurant. The restaurant shall remain closed until the presence of vermin is gone and work has been done to clean and/or repair any areas where harborage was identified, and the licensed pest control has provided treatment. All self-closure documents must be logged.

**14. Can the restaurant operate with open windows, folding doors, or an open storefront if there is inclement weather?**

If food or food contact surfaces may become contaminated due to the environmental conditions, the restaurant should close the openings and operate with full enclosure.

**15. How long must the restaurant keep all records of pest control and training?**

All records must be kept for a minimum of 12 months.

**16. What happens if the restaurant's pest control company does not leave record of their last treatment?**

It is common for certified pest control companies to treat restaurants late at night when the restaurant is not operating. The restaurant must establish a procedure to ensure effective communication is occurring and the certified pest control operator is providing documentation on each site visit. If this does not occur, the restaurant is in violation of the approved Integrated Pest Management and Food Safety Risk Mitigation Plan and it can be suspended or revoked.

**17. Do restaurants that operate with approved Limited Food Preparation and have open windows and doors need to submit and comply with the new requirements of AB 592?**

No, restaurants approved to operate under Limited Food Preparation do not need to have an Integrated Pest Management and Food Safety Risk Mitigation Plan.

## **18. How long will it take to have the Integrated Pest Management and Food Safety Risk Mitigation Plan approved?**

There is not a mandated review time for this plan, however the fastest way to ensure the plan is approved is by submitting a complete application/template with sufficient details explaining how pest and food safety risks will be mitigated, which will minimize corrections and the need to resubmit the plan.

## **19. Why are cockroaches a concern?**

Cockroaches spread pathogens like bacteria and viruses such as E. Coli, Salmonella, Shigella, *Staphylococcus aureus*, and even some parasites like Giardia and *Entamoeba histolytica*. Cockroaches spread diseases to food and food contact surfaces through their fecal droppings and saliva. Cockroaches can infest easily due to their ability to rapidly reproduce and their incredible adaptability. They can survive a wide range of temperatures and conditions and eat almost anything. They can enter your food facility through delivery boxes or can come in from the outside via doorways and other small openings like cracks and crevices. A baby cockroach can mature into an adult within a month's time, and the average adult female can produce up to 300 babies during its lifespan. Cockroaches are nocturnal so by the time you spot an actual live cockroach, there may already be a large infestation. Signs of infestation include shed skins or egg cases or feces which are small and resemble coffee grounds or black pepper spotting on surfaces.

## **20. Why are flies a concern?**

House flies spread pathogens like bacteria and viruses such as E. Coli, Salmonella, Shigella, Typhoid Fever, and even some parasites like Giardia. House flies transfer these pathogens to our food and clean food contact surfaces from unsanitary places like dog feces, garbage, and spoiled food. They have very sticky feet and hairy bodies that easily pick up these pathogens from surfaces and transfer them to other surfaces they land on. Flies also transfer these pathogens to our food and food contact surfaces through regurgitation. They regurgitate digestive fluids on to solid food to help liquify it before eating again, which deposits these pathogens and contaminates food and surfaces.

## **21. Why are rodents a concern?**

Rodents (mice and rats) spread pathogens like bacteria and viruses such as Leptospirosis, Salmonella, and Hantavirus. They spread diseases to food and food contact surfaces via their feces, urine, and saliva. Rodents are nocturnal and generally scared of humans, so it is rare to see live rodents during the day. Other signs of their presence include droppings, gnaw marks on food or food containers, nests built from fine shredded paper or other fibrous materials, rub marks on the walls caused by greasy rat fur, or sounds in the floors or walls.