

AMENDED IN SENATE MARCH 4, 2002
AMENDED IN ASSEMBLY JANUARY 18, 2002
AMENDED IN ASSEMBLY JANUARY 7, 2002
AMENDED IN ASSEMBLY APRIL 3, 2001

CALIFORNIA LEGISLATURE—2001-02 REGULAR SESSION

ASSEMBLY BILL

No. 610

Introduced by Assembly Member Kelley

February 22, 2001

An act to amend Sections 113823 and 114332.1 of the Health and Safety Code, relating to food.

LEGISLATIVE COUNSEL'S DIGEST

AB 610, as amended, Kelley. Nonprofit charitable temporary food facilities.

Existing law, the California Uniform Retail Food Facilities Law, defines a nonprofit charitable temporary food facility as a temporary food facility that is conducted and operated by a specified type of corporation, that is exempt from taxation pursuant to specified provisions of law. Under existing law, a nonprofit charitable temporary food facility may operate once annually for a period of time not to exceed 72 hours. Under existing law, any person who violates any provision of the California Uniform Retail Food Facilities Law, or any related regulation, is guilty of a misdemeanor.

This bill would expand the definition of a nonprofit charitable temporary food facility; to include an established club or organization of students. The bill would additionally authorize a nonprofit charitable

temporary food facility to operate up to 4 times annually, for up to 72 hours for each ~~community event~~ of the 4 time periods.

Because the violation of provisions applicable to retail food facilities is a crime, this bill would impose a state-mandated local program.

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 no reimbursement is required by this act for a specified reason.

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 113823 of the Health and Safety Code
2 is amended to read:

3 113823. “Nonprofit charitable temporary food facility”
4 means either of the following:

5 (a) A temporary food facility, as defined in Section 113895,
6 that is conducted and operated by a corporation incorporated
7 pursuant to the Nonprofit Corporation Law (Div. 2 (commencing
8 with Section 5000), Title 1, Corp. C.), that is exempt from taxation
9 pursuant to paragraphs (1) to (10), inclusive, and paragraph (19)
10 of Section 501(c) of the Internal Revenue Code and Section
11 23701d of the Revenue and Taxation Code.

12 (b) An established club or organization of students that
13 operates under the authorization of a school or educational facility.

14 SEC. 2. Section 114332.1 of the Health and Safety Code is
15 amended to read:

16 114332.1. Nonprofit charitable temporary food facilities may
17 operate up to four times annually ~~for a period of time not to exceed~~
18 ~~72 hours, for each community event.~~ *These four time periods*
19 *shall not exceed 72 hours each.*

20 SEC. 3. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of



1 the Government Code, or changes the definition of a crime within
2 the meaning of Section 6 of Article XIII B of the California
3 Constitution.

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