

## Assembly Bill No. 2384

### CHAPTER 236

An act to add and repeal Article 1.5 (commencing with Section 104601) of Chapter 2 of Part 3 of Division 103 of the Health and Safety Code, relating to nutrition.

[Approved by Governor September 13, 2006. Filed with  
Secretary of State September 13, 2006.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2384, Leno. Nutrition: Healthy Food Purchase Pilot Program.

Existing law requires the State Department of Health Services to establish and implement, to the extent funds are available that are other than state general funds, a "5 A Day—For Better Health" program for the purpose of promoting public awareness of the need to increase the consumption of fruits and vegetables as part of a low-fat, high-fiber diet in order to improve health and prevent major chronic diseases, including diet-related cancers.

This bill would require the department to develop a "Healthy Food Purchase" pilot program to increase the sale and purchase of fresh fruits and vegetables in low-income communities, as specified.

The bill would condition implementation of the program in any fiscal year upon appropriation by the Legislature of federal or other funds for that purpose, and would repeal these provisions on January 1, 2011.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares all of the following:

(a) The new federal Dietary Guidelines for Americans encourage all Americans to eat more fruits and vegetables, and for most people, the new recommended amount is double that in the previous guidelines.

(b) Clear and overwhelming evidence indicates that eating more fruits and vegetables can help reduce the risk of diet-related chronic diseases, such as type 2 diabetes, heart disease, stroke, and many cancers, as well as help to maintain a healthy body weight.

(c) Recent research in California confirms that, healthier foods, including fresh fruits and vegetables, are less available and more costly in low-income communities, and that the higher cost and lower availability inhibit their purchase by food stamp recipients and other low-income individuals.

(d) The State Department of Health Services is currently required by state law to establish and implement the California 5 a Day—for Better

Health (5 a Day) program to increase consumption of fruits and vegetables in order to improve health and prevent major chronic diseases, including diet-related cancers.

(e) Current funding restrictions prohibit the 5 a Day program from implementing important marketing and promotion activities in retail and grocery stores where consumers make their food choices.

(f) The pilot program established pursuant to this act is aimed at improving the health and nutrition of low-income Californians by responding to the problem of limited local and affordable access to fresh fruits and vegetables. The primary strategies tested in the pilot program will be aimed at increasing the availability of fresh fruits and vegetables at small neighborhood grocery stores, and making fresh produce purchases a smart economic choice for those with very limited food budgets.

SEC. 2. Article 1.5 (commencing with Section 104601) is added to Chapter 2 of Part 3 of Division 103 of the Health and Safety Code, to read:

#### Article 1.5. Healthy Food Purchase Pilot Program

104601. (a) The department, in consultation with the Department of Food and Agriculture, shall develop a “Healthy Food Purchase” pilot program to increase the sale and purchase of fresh fruits and vegetables in low-income communities.

(b) The total number of counties included in the pilot program shall not exceed seven.

(c) The department, in consultation with the Department of Food and Agriculture, shall design the program to include the following two components:

(1) Strategies aimed at small grocers in targeted low-income neighborhoods to increase the offerings of fresh fruits and vegetables in those communities. In selected pilot program communities, the department shall provide targeted food retailers with support or assistance to obtain refrigerated produce display cases through the assessment of the feasibility of a variety of financing methods including, but not limited to, leasing, lending, small business and economic development support, and other time-limited strategies. The department shall also provide technical assistance to targeted retailers on the purchase, storage, marketing, and display of fresh produce. The department shall use available federal funds for this technical assistance, where appropriate.

(2) Strategies aimed at food stamp recipients to increase their purchase of fresh fruits and vegetables by making those products more affordable, including the development and implementation of financial incentives. The department, in consultation with the State Department of Social Services, shall seek any necessary federal government approvals to allow use of the Food Stamp Electronic Benefits Card, as provided in Chapter 3 (commencing with Section 10065) of Part 1 of Division 9 of the Welfare

and Institutions Code, to provide those incentives, and to implement the pilot program.

(d) In developing the pilot program, the department shall include all of the following:

(1) At least one county that is above the food stamp average county participation.

(2) At least one county that is below the food stamp average county participation.

(3) At least one county with high above-average rates of poverty, food insecurity, or obesity.

(4) At least one urban county.

(5) At least one rural county.

(e) The department shall consider all of the following in choosing counties to participate in the program.

(1) The level of need in the community.

(2) The size of the food stamp population.

(3) The need for geographic diversity.

(4) The availability of technology in targeted food retailers to collect the data necessary to evaluate the pilot program.

(f) The department shall seek all necessary approvals to establish the pilot program, and shall apply for available federal matching funds to support the work of the pilot program.

(g) The department shall develop, in consultation with the United States Department of Agriculture's Economic Research Service, a process for evaluating the effectiveness of the pilot program. The evaluation shall examine the impact of the various strategies employed in the pilot program on the purchase of fresh produce and on any increase in retailer space devoted to the sale of fresh fruits and vegetables, and the effect this has on retailer profitability. The evaluation also shall test alternatives to the reliance on uniform product codes for identification of fresh produce deemed eligible for financial incentives. The department shall contract with an independent external evaluator to conduct this evaluation. The department shall make recommendations to the Legislature regarding the continuation of the pilot program, and any state and federal policy changes needed to support the goals of the pilot program.

(h) The department shall not implement this article in any fiscal year unless an appropriation by the Legislature of federal or other funds has been made, in the annual Budget Act or another statute, to the department expressly for the purposes of implementing this article for that fiscal year.

(i) This article shall remain in effect until January 1, 2011, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2011, deletes or extends that date.