

ASSEMBLY BILL

No. 1608

Introduced by Assembly Member Solorio

February 23, 2007

An act to add Division 10 (commencing with Section 25800) to the Business and Professions Code, relating to fast food restaurants.

LEGISLATIVE COUNSEL'S DIGEST

AB 1608, as introduced, Solorio. Fast food restaurants: billboard advertising.

Existing law makes it unlawful for any person, firm, or corporation, to advertise certain products on, among other things, any billboard, unless this advertising contains prescribed statements regarding the product.

Existing law prohibits any person, firm, corporation, partnership, or other organization from advertising or causing to be advertised any tobacco products on any outdoor billboard located within 1,000 feet of any public or private elementary school, junior high school, or high school, or public playground.

This bill would prohibit any person, firm, corporation, partnership, or other organization from advertising or causing to be advertised any fast food product on any outdoor billboard located within 1,500 feet of any public or private elementary school, middle school, or high school, or public playground.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

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

3 (a) According to a 2004 study, about 10 percent of 2 to 5 year
4 olds and 15 percent of 6 to 19 year olds are overweight.

5 (b) Among children of color, the rates are even higher. Four in
6 10 Mexican-American and African-American youth ages 6 to 19
7 are considered overweight or at risk of being overweight.

8 (c) The increase in childhood obesity causes medical
9 complications common in overweight children including,
10 hypertension, Type 2 diabetes, respiratory ailments, and depression.

11 (d) The Surgeon General has predicted that preventable
12 morbidity and mortality associated with obesity may exceed those
13 associated with cigarette smoking.

14 (e) Given that an estimated 80 percent of overweight adolescents
15 continue to be obese in childhood, the implications of adulthood
16 obesity on the nation's health and on health care costs are huge.

17 (f) The current epidemic of obesity is caused largely by an
18 environment that promotes excessive food intake through excessive
19 advertisements.

20 (g) While research shows that factors such as cost, accessibility,
21 and availability of foods influence dietary choices, targeted media
22 messages further influence the consumer's choice.

23 (h) Marketers, for example, focus on places such as fast food
24 restaurants in order to influence children between the ages of 6
25 and 12 in relation to their future choices, including dietary choices.

26 (i) The state has a responsibility to protect children from
27 excessive advertisements that help contribute to obesity.

28 (j) The state has strongly supported classroom education on
29 health and healthy eating by setting higher nutrition standards in
30 schools, but advertisements near schools encourage unhealthy
31 eating.

32 SEC. 2. Division 10 (commencing with Section 25800) is added
33 to the Business and Professions Code, to read:

34
35 DIVISION 10. FAST FOOD RESTAURANT ADVERTISING

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37 25800. (a) No person, firm, corporation, partnership, or other
38 organization shall advertise or cause to be advertised any fast food

1 product on any outdoor billboard located within 1,500 feet of any
2 public or private elementary school, middle school, or high school,
3 or public playground.

4 (b) This section may not be construed to prohibit the adoption
5 of a local ordinance that imposes a more restrictive or complete
6 ban on the advertisements described in subdivision (a). A local
7 ordinance that imposes a more restrictive or complete ban shall
8 control in the event of any inconsistency between this section and
9 the local ordinance.

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