

AMENDED IN ASSEMBLY MARCH 26, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1513

Introduced by Assembly Member Allen

January 13, 2012

An act to amend Section 114257 of, and to add Section 113862 to, the Health and Safety Code, relating to retail food facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1513, as amended, Allen. Retail food facilities: playground sanitation.

Existing law, the California Retail Food Code, regulates retail food facilities to safeguard public health and requires local enforcement to enforce its provisions. Existing law requires that all premises of a food facility be kept clean, fully operative, and in good repair. A violation of these provisions is punishable as a misdemeanor.

This bill would include food facility playgrounds, as defined, within the requirement that the food facilities be kept clean, fully operative, and in good repair, *and would require a food facility with an indoor playground to develop a plan to keep the playground area clean and free of hazards to children.*

This bill would also require a retail food facility with a playground to produce a record of the playground's maintenance policy and inspection record.

By creating a new 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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 113862 is added to the Health and Safety
2 Code, to read:

3 113862. “Playground” means an improved area designed,
4 equipped, and set aside for children’s play that is not intended for
5 use as an athletic playing field or athletic court, and shall include
6 any playground equipment, fall zones, surface materials, access
7 ramps, and all areas within and including the designated enclosure
8 and barriers.

9 SEC. 2. Section 114257 of the Health and Safety Code is
10 amended to read:

11 114257. (a) All premises of a food facility, including indoor
12 and outdoor playgrounds, shall be kept clean, fully operative, and
13 in good repair.

14 (b) *For purposes of subdivision (a), a playground on the*
15 *premises of a food facility shall meet the same standard of*
16 *cleanliness that exists for all other areas of the food facility, except*
17 *food handling and preparation areas.*

18 ~~(b)~~
19 (c) A retail food facility with a playground shall ~~display~~, *do all*
20 *of the following:*

21 (1) *If the playground is indoors, develop a plan for ensuring*
22 *that indoor playground areas are kept clean and free of conditions*
23 *that may be hazardous to children, including, but not limited to,*
24 *cracked or broken playground structures.*

25 (2) *Display*, or provide upon request, the retail food facility’s
26 policy on playground maintenance and dates on which the
27 playground was last inspected and cleaned.

28 (3) *Prohibit customers from taking food into or on, or eating*
29 *food on, playground structures, including, but not limited to,*

1 *climbing structures and slides, except that food may be taken to*
2 *and consumed within rest or observation areas within or adjoining*
3 *a playground area.*

4 SEC. 3. No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution for certain
6 costs that may be incurred by a local agency or school district
7 because, in that regard, this act creates a new crime or infraction,
8 eliminates a crime or infraction, or changes the penalty for a crime
9 or infraction, within the meaning of Section 17556 of the
10 Government Code, or changes the definition of a crime within the
11 meaning of Section 6 of Article XIII B of the California
12 Constitution.

13 However, if the Commission on State Mandates determines that
14 this act contains other costs mandated by the state, reimbursement
15 to local agencies and school districts for those costs shall be made
16 pursuant to Part 7 (commencing with Section 17500) of Division
17 4 of Title 2 of the Government Code.

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