

Assembly Bill No. 1513

Passed the Assembly August 24, 2012

Chief Clerk of the Assembly

Passed the Senate August 21, 2012

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2012, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1513, Allen. Retail food facilities: playgrounds.

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. By requiring the local enforcement agency to also inspect food facility playgrounds, and therefore increasing the duties of local officials, this bill would impose a state-mandated local program.

This bill would also require a retail food facility with a playground to display or provide on request a record of the playground's maintenance policy and inspection record and to post a sign prohibiting customers from taking food into the playground structures.

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 no reimbursement is required by this act for specified reasons.

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

SECTION 1. Section 114257 of the Health and Safety Code is amended to read:

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

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

(c) A retail food facility with a playground shall do all of the following:

(1) Develop a plan for ensuring that indoor playground areas are kept clean and free of conditions that may be hazardous to children, including, but not limited to, cracked or broken playground structures.

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

(3) Post a sign prohibiting customers from taking food into or on, or eating food on, playground structures, including, but not limited to, climbing structures and slides, except that food may be taken to and consumed within rest or observation areas within or adjoining a playground area.

(d) For purposes of this section, "playground" has the same meaning as defined in Section 115725.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Approved _____, 2012

Governor