

AMENDED IN SENATE AUGUST 24, 2012

AMENDED IN ASSEMBLY MAY 1, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2280

Introduced by Assembly Member Lara

February 24, 2012

An act to add Section 123327 to the Health and Safety Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2280, as amended, Lara. California Special Supplemental Food Program for Women, Infants, and Children.

Existing law, the California Special Supplemental Food Program for Women, Infants, and Children (WIC Program), administered by the State Department of Public Health, provides for the issuance of nutrition coupons, as defined, to certain low-income women, infants, and children who have been determined to be at nutritional risk. The WIC Program, which implements a program authorized under existing federal law, provides for the redemption of nutrition coupons by recipients at any authorized retail food vendor. Existing law provides that a vendor or any person who, among other things, knowingly redeems coupons in excess of the price charged other customers is subject to specified sanctions.

This bill would require the department, within 30 days *after the department has completed its first investigation*, to provide written notice, as prescribed, to a vendor if the department determines that the vendor has committed an initial violation for which a pattern of the

violation must be established to impose a sanction. This bill would require the notice to be delivered to the vendor *30 days* before the department conducts a ~~second~~ *2nd* investigation for purposes of establishing a pattern of the violation, ~~unless the department determines, as specified, that notifying the vendor would compromise an investigation.~~ *The bill would state that it is the intent of the Legislature in enacting these provisions to clarify existing law.*

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. Section 123327 is added to the Health and Safety
2 Code, to read:

3 123327. (a) The department, ~~within 30 days,~~ shall provide
4 written notice to a retail food vendor if the department determines
5 that the vendor has committed an initial violation for which a
6 pattern of the violation must be established to impose a sanction.
7 *Notice shall be provided no later than 30 days after the department*
8 *determines the first investigation that identified the violation is*
9 *complete.*

10 (b) *The written notice shall be delivered to the vendor 30 days*
11 *before the department conducts a second investigation for purposes*
12 *of establishing a pattern of the violation to the vendor’s most recent*
13 *business ownership address on file with the department or to the*
14 *vendor location upon identification of a violation during the vendor*
15 *monitoring, as defined by Section 40743 of Title 22 of the*
16 *California Code of Regulations.*

17 (c) *The written notice shall include a description of the initial*
18 *violation and may include information to assist the vendor to take*
19 *corrective action, including, but not limited to, a 60-day window*
20 *that includes the date of the violation.*

21 ~~(b) The written notice shall be delivered to the vendor’s most~~
22 ~~recent business ownership address on file with the department~~
23 ~~before the department conducts a second investigation for purposes~~
24 ~~of establishing a pattern of the violation.~~

25 ~~(c) The written notice shall include a description of the initial~~
26 ~~violation sufficient to allow the vendor to take corrective action~~
27 ~~that includes all of the following:~~

- 1 ~~(1) A description of the sales transaction constituting the~~
2 ~~violation.~~
3 ~~(2) The date and approximate time of the transaction.~~
4 ~~(3) The location of the vendor store.~~
5 ~~(d) The department shall not be required to provide written~~
6 ~~notice to a retail food vendor if the department determines, in its~~
7 ~~discretion, on a case-by-case basis, that notifying the vendor would~~
8 ~~compromise an investigation.~~
9 ~~(e)~~
10 ~~(d) For purposes of this section, “violation” means a violation~~
11 ~~set forth in Section ~~246.12(f)~~ 246.2 of Title 7 of the Code of Federal~~
12 ~~Regulations.~~
13 ~~(e) It is the intent of the Legislature in enacting this section to~~
14 ~~clarify existing law.~~