

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2621

Introduced by Assembly Member Hueso

February 24, 2012

An act to amend ~~Section 109300 of the Health and Safety Code, relating to disease prevention~~ *Sections 38091, 38092, and 38093 of the Education Code, relating to school cafeterias.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2621, as amended, Hueso. ~~Cancer and other serious diseases: treatment.~~ *School cafeterias: cafeteria fund.*

(1) *Existing law authorizes the governing board of any school district to establish cafeterias in the schools under its jurisdiction and authorizes the money received for the sale of food or for any services performed by the cafeterias to be paid into the county treasury to the credit of the "cafeteria fund" of the particular school district. Existing law requires the cafeteria fund to be used only for those expenditures authorized by the governing board of the school district as necessary for the operation of school cafeterias, including, but not limited to, expenditures for the lease or purchase of additional cafeteria equipment for the central food processing plant, vending machines and their installation and housing, and computer equipment and related software.*

This bill would instead require the cafeteria fund to be only used for those expenditures authorized by the governing board of the school district as necessary for the operation of school cafeterias and financial management of the cafeteria fund.

(2) *Existing law authorizes the governing board of any school district with an average daily attendance of over 100,000 to allow as an*

expenditure from the cafeteria fund or account a share of money agreed upon pursuant to a contract, which is generated from the joint sale of items between the cafeteria and an associated student body student store.

This bill would instead authorize the governing board of a school district with an average daily attendance of over 20,000 to allow this expenditure from the cafeteria fund or account.

(3) Existing law authorizes the governing board of any school district to establish an account for each cafeteria established in a school of the school district, or for all cafeterias established in the schools of the school district, in one or more banks, and requires all receipts of the cafeteria, or cafeterias, as the case may be, derived from the sale of food to be deposited in the account and only expended for specified purposes.

This bill would also require the receipts deposited into the account to only be expended in accordance with a specified provision.

~~Existing law requires the State Department of Public Health, among other things, to adopt regulations prohibiting the prescription, administration, sale, or other distribution of any drug, substance, or device found to be harmful or of no value in the diagnosis, prevention, or treatment of cancer. Existing law prohibits the sale, offering for sale, holding for sale, delivering, giving away, prescribing, or administering of any drug, medicine, compound, or device to be used in the diagnosis, treatment, alleviation, or cure of cancer unless an application for the drug, medicine, compound, or device has been approved pursuant to the federal Food, Drug, and Cosmetic Act or by the Medical Board of California.~~

~~This bill would make technical, nonsubstantive changes to those provisions:~~

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

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

1 SECTION 1. Section 38091 of the Education Code is amended
2 to read:

3 38091. (a) The cafeteria fund shall be used only for those
4 expenditures authorized by the governing board of the school
5 district as necessary for the operation of school cafeterias;
6 including, but not limited to, expenditures for the lease or purchase

1 of additional cafeteria equipment for the central food processing
2 plant, vending machines and their installation and housing, and
3 computer equipment and related software and financial
4 management of the cafeteria fund.

5 **Whenever**

6 (b) If a cafeteria fund is operated pursuant to these provisions
7 this article, the governing board of a school district may authorize
8 the establishment of one or more cafeteria revolving accounts. For
9 accounting purposes, a cafeteria revolving account is to be treated
10 as a revolving cash account of the cafeteria fund, providing that
11 the receipt of income and expenditures made from a cafeteria
12 revolving account become recorded as income and expenditures
13 of the cafeteria fund. Appropriate transfers, replenishments, and
14 deposits between the cafeteria fund and a cafeteria revolving
15 account may occur as are necessary to comply with accounting
16 requirements. A cafeteria revolving account may receive and
17 expend moneys in the same manner and for the same purposes as
18 authorized for a cafeteria account.

19 **The**

20 (c) The governing board of any a school district, or of two or
21 more school districts governed by governing boards of identical
22 personnel, may also make expenditures from the cafeteria fund
23 for the construction, alteration, or improvement of a central food
24 processing plant, for the installation of additional cafeteria
25 equipment for the central food processing plant, and for the lease
26 or purchase of vehicles used primarily in connection with the
27 central food processing plant.

28 *SEC. 2. Section 38092 of the Education Code is amended to*
29 *read:*

30 38092. The governing board of any a school district with an
31 average daily attendance of over ~~100,000~~ 20,000 may allow as an
32 expenditure from the cafeteria fund or account a share of money
33 agreed upon pursuant to a contract, which is generated from the
34 joint sale of items between the cafeteria and an associated student
35 body student store. The expenditure must result from an agreement
36 entered into by the cafeteria and the associated student body in
37 which pupils will participate in the operation of the store.

38 *SEC. 3. Section 38093 of the Education Code is amended to*
39 *read:*

1 38093. The governing board of ~~any~~ *a* school district may
 2 establish an account for each cafeteria established in a school of
 3 the *school* district, or for all cafeterias established in the schools
 4 of the *school* district, in one or more banks. The account shall be
 5 known as “The Cafeteria Account of (insert name of district)
 6 District.” If the account is established for one of several cafeterias,
 7 it shall be known as “The Cafeteria Account of the (insert name
 8 of school) School of (insert name of district) District.” All receipts
 9 of the cafeteria, or cafeterias, as the case may be, derived from the
 10 sale of food shall be deposited in the account and shall be expended
 11 only for the maintenance of the cafeteria, or cafeterias, exclusive
 12 of items made a charge against the funds of the school district by
 13 this chapter, and items made a charge against the funds of the
 14 school district by resolution of the governing board *of the school*
 15 *district* under authority of this chapter *and pursuant to Section*
 16 *38091*.

17 ~~SECTION 1. Section 109300 of the Health and Safety Code~~
 18 ~~is amended to read:~~

19 ~~109300. The sale, offering for sale, holding for sale, delivering,~~
 20 ~~giving away, prescribing, or administering of any drug, medicine,~~
 21 ~~compound, or device to be used in the diagnosis, treatment,~~
 22 ~~alleviation, or cure of cancer is unlawful and prohibited unless (1)~~
 23 ~~an application with respect thereto has been approved under Section~~
 24 ~~505 of the federal Food, Drug and Cosmetic Act, or (2) there has~~
 25 ~~been approved an application filed with the board setting forth all~~
 26 ~~of the following:~~

27 ~~(a) Full reports of investigations that have been made to show~~
 28 ~~whether or not the drug, medicine, compound, or device is safe~~
 29 ~~for the use, and whether the drug, medicine, compound, or device~~
 30 ~~is effective in the use.~~

31 ~~(b) A full list of the articles used as components of the drug,~~
 32 ~~medicine, compound, or device.~~

33 ~~(c) A full statement of the composition of the drug, medicine,~~
 34 ~~compound, or device.~~

35 ~~(d) A full description of the methods used in, and the facilities~~
 36 ~~and controls used for, the manufacture, processing, and packing~~
 37 ~~of the drug, medicine, or compound or in the case of a device, a~~
 38 ~~full statement of its composition, properties, and construction and~~
 39 ~~the principle or principles of its operation.~~

1 ~~(e) Samples of the drug, medicine, compound, or device and~~
2 ~~of the articles used as components of the drug, medicine,~~
3 ~~compound, or device as the board may require.~~

4 ~~(f) Specimens of the labeling and advertising proposed to be~~
5 ~~used for the drug, medicine, compound, or device.~~

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