

ASSEMBLY BILL

No. 1990

Introduced by Assembly Member Gordon

February 20, 2014

An act to amend the heading of Chapter 12.5 (commencing with Section 114375) of Part 7 of Division 104 of, and to add Sections 113932.5, 114376, and 114376.5 to, the Health and Safety Code, relating to urban agricultural production.

LEGISLATIVE COUNSEL'S DIGEST

AB 1990, as introduced, Gordon. Urban agricultural production.

Existing law, the California Retail Food Code, establishes uniform health and sanitation standards for retail food facilities and provides for the enforcement of those standards by local health agencies and by the State Department of Public Health, as specified. The code requires farm stands, as defined, to comply with specified requirements governing food safety and sanitation. A violation of the code is a crime.

This bill would authorize, except under a specified circumstance, an urban producer, as defined, to sell or provide whole uncut fruits or vegetables, or unrefrigerated shell eggs, directly to the public or to a permitted restaurant if the urban producer meets specified requirements, including that the produce is labeled with the name and address of the urban producer. The bill would also authorize an enforcement officer to enter into and inspect the operations of an urban producer in response to a food safety recall or food safety complaint. The bill would also authorize the enforcement officer to recover reasonable costs associated with that inspection from the urban producer.

Because the bill would create new crimes and would impose additional duties on local food inspectors, the 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 113932.5 is added to the Health and
2 Safety Code, to read:

3 113932.5. “Urban producer” means a producer on land that is
4 in compliance with applicable local land use and zoning
5 restrictions, including, but not limited to, restrictions governing
6 community gardens, school gardens, and culinary gardens, without
7 regard to whether the land is zoned for agricultural use.

8 SEC. 2. The heading of Chapter 12.5 (commencing with
9 Section 114375) of Part 7 of Division 104 of the Health and Safety
10 Code is amended to read:

11
12 CHAPTER 12.5. FARM STANDS AND URBAN AGRICULTURAL
13 PRODUCTION
14

15 SEC. 3. Section 114376 is added to the Health and Safety Code,
16 to read:

17 114376. Unless a local jurisdiction adopts an ordinance
18 regulating urban agricultural production that prohibits the activity,
19 an urban producer may sell or provide whole uncut fruits or
20 vegetables, or unrefrigerated shell eggs, directly to the public or
21 to a permitted restaurant if the urban producer meets both of the
22 following requirements:

1 (a) Produce shall be grown or produced in compliance with
2 subdivision (b) of Section 113735.

3 (b) Produce shall be labeled with the name and address of the
4 urban producer.

5 SEC. 4. Section 114376.5 is added to the Health and Safety
6 Code, to read:

7 114376.5. An enforcement officer, as defined in Section
8 113774, may enter into and inspect the operations of an urban
9 producer in response to a food safety recall or food safety
10 complaint. The enforcement officer may recover reasonable costs
11 associated with that inspection from the urban producer.

12 SEC. 5. No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution for certain
14 costs that may be incurred by a local agency or school district
15 because, in that regard, this act creates a new crime or infraction,
16 eliminates a crime or infraction, or changes the penalty for a crime
17 or infraction, within the meaning of Section 17556 of the
18 Government Code, or changes the definition of a crime within the
19 meaning of Section 6 of Article XIII B of the California
20 Constitution.

21 However, if the Commission on State Mandates determines that
22 this act contains other costs mandated by the state, reimbursement
23 to local agencies and school districts for those costs shall be made
24 pursuant to Part 7 (commencing with Section 17500) of Division
25 4 of Title 2 of the Government Code.