

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2539

Introduced by Assembly Member Ting

February 21, 2014

An act to ~~amend Section 50151 of~~ *add Section 114365.7 to the Health and Safety Code, relating to housing; retail food operations.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2539, as amended, Ting. ~~State housing policy.~~ *Retail food: cottage food operators.*

Existing law, the California Retail Food Code, establishes uniform health and sanitation standards for retail food facilities. Existing law provides that local health agencies are primarily responsible for enforcing these provisions, but requires the State Department of Public Health to provide technical assistance, training, standardization, program evaluation, and other services to the local health agencies as necessary to ensure the uniform interpretation and application of the code, and to adopt regulations to implement and administer the code. A person who violates any provision of the code is guilty of a misdemeanor, except as otherwise provided.

The code regulates, among other types of food venues, certified farmers' markets and cottage food operations, respectively. The code sets forth specified requirements for certified farmers' markets relating to food safety and sanitation. The code also requires a cottage food operation, as defined, to meet specified requirements relating to training, sanitation, preparation, labeling, and permissible types of sales, and requires a cottage food operation to either register with or obtain a

permit from the local enforcement agency to open for business, as specified.

This bill would require the department to develop guidelines to protect the public health and safety in food handling and to ensure that uniform standards apply to cottage food operations at certified farmers' markets. The bill would require all local environmental health departments to utilize these guidelines in interpreting and enforcing regulations governing cottage food sales at certified farmers' markets. The bill would also require the department to consult with stakeholders in developing the guidelines, including local environmental health officers and certified farmers' market managers. By imposing new enforcement requirements on local health agencies, 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law provides that the Secretary of Business, Consumer Services and Housing is responsible for allocating financial aid and contributions made available directly to the state or to the California Housing Finance Agency by the federal government for the purpose of subsidizing housing for low or moderate income families and persons and gives the California Housing Finance Agency priority for receipt of federal housing subsidies.~~

~~This bill would make technical, nonsubstantive changes to this provision.~~

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

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

- 1 SECTION 1. Section 114365.7 is added to the Health and
- 2 Safety Code, to read:
- 3 114365.7. The department shall develop guidelines to protect
- 4 the public health and safety in food handling and to ensure that
- 5 uniform standards apply to cottage food operations at certified

1 farmers' markets. All local environmental health departments shall
2 utilize the guidelines in interpreting and enforcing regulations
3 governing cottage food sales at certified farmers' markets. The
4 department shall consider the unique characteristics of the cottage
5 food industry in developing guidelines that differ from the
6 structural and operational requirements for produce vendors and
7 retail food vendors at certified farmers' markets. The department
8 shall consult with stakeholders in developing the guidelines,
9 including local environmental health officers and certified farmers'
10 market managers.

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

16 SECTION 1. ~~Section 50151 of the Health and Safety Code is~~
17 ~~amended to read:~~

18 ~~50151. (a) The Secretary of Business, Consumer Services and~~
19 ~~Housing shall be responsible for allocating financial aid and~~
20 ~~contributions made available directly to state government or to the~~
21 ~~agency by any agency of the United States for the purpose of~~
22 ~~subsidizing housing for persons and families of low or moderate~~
23 ~~income.~~

24 ~~(b) The agency shall have priority among all other units of state~~
25 ~~government for receipt of federal housing subsidies for use in~~
26 ~~connection with its lending and insurance programs.~~