

AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 667

Introduced by Senator Roth

February 22, 2013

An act to amend ~~Section 123285~~ of Sections 104650 and 104655 of, and to amend the heading of Article 2 (commencing with Section 104650) of Chapter 2 of Part 3 of Division 103 of, the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

SB 667, as amended, Roth. ~~Supplemental food program. Healthy eating program.~~

Existing law, the California Special Supplemental Food Program for Women, Infants, and Children (WIC Program), authorizes the establishment of a statewide program, administered by the State Department of Public Health, for providing nutritional food supplements to low-income pregnant women, low-income postpartum and lactating women, and low-income infants and children under 5 years of age, who have been determined to be at nutritional risk. ~~law requires the State Department of Public Health to establish and implement the 5 A Day—For Better Health program to promote public awareness of the need to eat more fruits and vegetables in order to improve health and prevent major chronic diseases. Existing law specifies that these provisions do not prohibit contributions to the program by certain marketing organizations and commissions.~~

This bill would ~~make technical, nonsubstantive changes. instead require the department to establish and implement a healthy eating program, as specified, to promote public awareness of the need to eat~~

healthy. The bill would also specify that these provisions do not prohibit contributions to the healthy eating program by certain marketing orders.

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

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

1 SECTION 1. The heading of Article 2 (commencing with
 2 Section 104650) of Chapter 2 of Part 3 of Division 103 of the
 3 Health and Safety Code is amended to read:

4
 5 Article 2. ~~“5 A Day—For Better Health”~~ *Healthy Eating*
 6 Program
 7

8 SEC. 2. Section 104650 of the Health and Safety Code is
 9 amended to read:

10 104650. (a) The department shall establish and implement, to
 11 the extent funds are available pursuant to subdivision (d) which
 12 are other than state general funds, a ~~“5 A Day—For Better Health”~~
 13 *healthy eating program, based on 5 A Day, MyPlate, or other*
 14 *similar healthy eating campaign programs*, for the purpose of
 15 promoting public awareness of the need to *eat healthy and* increase
 16 the consumption of fruits and vegetables as part of a low-fat,
 17 high-fiber diet in order to improve health and prevent major chronic
 18 diseases, including diet-related cancers.

19 (b) The department may promote the ~~“5 A Day—For Better~~
 20 ~~Health”~~ *healthy eating* program to the public through channels,
 21 including, but not limited to, print and electronic media, retail,
 22 grocers, schools, and other government programs. For purposes
 23 of this article, “public” includes, but is not limited to, the general
 24 adult population, adults with lower educational attainment,
 25 schoolage children and youth, and high-risk groups determined
 26 by the department.

27 (c) The department may, at its sole discretion, contract with
 28 qualified organizations for general or specialized services to
 29 implement this article, including personnel, marketing, public
 30 relations, research, evaluation, and administration.

31 (d) The department is encouraged to investigate all available
 32 funding sources, public and private, for the purposes of this article,
 33 including application for public and private grants.

1 SEC. 3. Section 104655 of the Health and Safety Code is
2 amended to read:

3 104655. Notwithstanding any other ~~provision of law~~, nothing
4 ~~shall operate to prohibit in this article prohibits~~ contributions to
5 the program created pursuant to this article by *marketing orders*
6 *issued pursuant to Division 21 (commencing with Section 58001)*
7 *of the Food and Agricultural Code* and organizations and
8 commissions subject to Division 22 (commencing with Section
9 ~~64001) 63901~~) of the Food and Agricultural Code.

10 SECTION 1. ~~Section 123285 of the Health and Safety Code~~
11 ~~is amended to read:~~

12 ~~123285. As used in this article, the following definitions shall~~
13 ~~apply:~~

14 (a) ~~“Health professional” means a physician and surgeon,~~
15 ~~registered nurse, nutritionist, dietitian, or state or local medically~~
16 ~~trained health official, who is competent to professionally evaluate~~
17 ~~nutritional need and to authorize supplemental foods, as determined~~
18 ~~by the state department.~~

19 (b) ~~“Low income” means an income of not more than 185~~
20 ~~percent of the poverty level as determined by the federal poverty~~
21 ~~income guidelines promulgated by the United States Department~~
22 ~~of Health and Human Services.~~

23 (c) ~~“Recipient” means a low-income pregnant woman, a~~
24 ~~low-income post partum and lactating woman, or a low-income~~
25 ~~infant or child under five years of age, who has been determined~~
26 ~~to be at nutritional risk by a health professional, based on criteria~~
27 ~~established by the state department.~~

28 (d) ~~“Nutrition coupon” means a check that is limited as to value,~~
29 ~~food type, and food quantity and that has a limited period of~~
30 ~~validity.~~

31 (e) ~~“WIC Program” means the California Special Supplemental~~
32 ~~Nutrition Program for Women, Infants, and Children.~~