

AMENDED IN SENATE JUNE 28, 2006

AMENDED IN SENATE JUNE 15, 2006

AMENDED IN ASSEMBLY MAY 26, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2384

Introduced by Assembly Member Leno
(Coauthor: Senator Alquist)

February 23, 2006

An act to add and repeal Article 1.5 (commencing with Section 104601) of Chapter 2 of Part 3 of Division 103 of the Health and Safety Code, relating to nutrition.

LEGISLATIVE COUNSEL'S DIGEST

AB 2384, as amended, Leno. Nutrition: Healthy Food Purchase Pilot Program.

Existing law requires the State Department of Health Services to establish and implement, to the extent funds are available that are other than state general funds, a "5 A Day—For Better Health" program for the purpose of promoting public awareness of the need to increase the consumption of fruits and vegetables as part of a low-fat, high-fiber diet in order to improve health and prevent major chronic diseases, including diet-related cancers.

This bill would require the department to develop a "Healthy Food Purchase" pilot program to increase the sale and purchase of fresh fruits and vegetables in low-income communities, as specified.

The bill would condition implementation of the program in any fiscal year upon appropriation by the Legislature of federal or other

funds for that purpose, and would repeal these provisions on January 1, 2011.

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. The Legislature finds and declares all of the
2 following:

3 (a) The new federal Dietary Guidelines for Americans
4 encourage all Americans to eat more fruits and vegetables, and
5 for most people, the new recommended amount is double that in
6 the previous guidelines.

7 (b) Clear and overwhelming evidence indicates that eating
8 more fruits and vegetables can help reduce the risk of diet-related
9 chronic diseases, such as type 2 diabetes, heart disease, stroke,
10 and many cancers, as well as help to maintain a healthy body
11 weight.

12 (c) Recent research in California confirms that, healthier
13 foods, including fresh fruits and vegetables, are less available and
14 more costly in low-income communities, and that the higher cost
15 and lower availability inhibit their purchase by food stamp
16 recipients and other low-income individuals.

17 (d) The State Department of Health Services is currently
18 required by state law to establish and implement the California 5
19 a Day—for Better Health (5 a Day) program to increase
20 consumption of fruits and vegetables in order to improve health
21 and prevent major chronic diseases, including diet-related
22 cancers.

23 (e) Current funding restrictions prohibit the 5 a Day program
24 from implementing important marketing and promotion activities
25 in retail and grocery stores where consumers make their food
26 choices.

27 (f) The pilot program established pursuant to this act is aimed
28 at improving the health and nutrition of low-income Californians
29 by responding to the problem of limited local and affordable
30 access to fresh fruits and vegetables. The primary strategies
31 tested in the pilot program will be aimed at increasing the
32 availability of fresh fruits and vegetables at small neighborhood

1 grocery stores, and making fresh produce purchases a smart
2 economic choice for those with very limited food budgets.

3 SEC. 2. Article 1.5 (commencing with Section 104601) is
4 added to Chapter 2 of Part 3 of Division 103 of the Health and
5 Safety Code, to read:

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7 Article 1.5. Healthy Food Purchase Pilot Program

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9 104601. (a) The department, in consultation with the
10 Department of Food and Agriculture, shall develop a “Healthy
11 Food Purchase” pilot program to increase the sale and purchase
12 of fresh fruits and vegetables in low-income communities.

13 (b) The total number of counties included in the pilot program
14 shall not exceed seven.

15 (c) The department, in consultation with the Department of
16 Food and Agriculture, shall design the program to include the
17 following two components:

18 (1) Strategies aimed at small grocers in targeted low-income
19 neighborhoods to increase the offerings of fresh fruits and
20 vegetables in those communities. In selected pilot program
21 communities, the department shall provide targeted food retailers
22 with support or assistance to obtain refrigerated produce display
23 cases through the assessment of the feasibility of a variety of
24 financing methods including, but not limited to, leasing, lending,
25 small business and economic development support, and other
26 time-limited strategies. The department shall also provide
27 technical assistance to targeted retailers on the purchase, storage,
28 marketing, and display of fresh produce. The department shall
29 use available federal funds for this technical assistance, where
30 appropriate.

31 (2) Strategies aimed at food stamp recipients to increase their
32 purchase of fresh fruits and vegetables by making those products
33 more affordable, including the development and implementation
34 of financial incentives. The department shall seek any necessary
35 federal government approvals to allow use of the Food Stamp
36 Electronic Benefits Card, as provided in Chapter 3 (commencing
37 with Section 10065) of Part 1 of Division 9 of the Welfare and
38 Institutions Code, to provide those incentives, and to implement
39 the pilot program.

1 (d) In developing the pilot program, the department shall
2 include all of the following:

3 (1) At least one county that is above the food stamp average
4 county participation and at least one county that is below the
5 food stamp average county participation.

6 (2) At least one county with high above-average rates of
7 poverty, food insecurity, or obesity.

8 (3) At least one urban county.

9 (4) At least one rural county.

10 (e) The department shall consider all of the following in
11 choosing counties to participate in the program.

12 (1) The level of need in the community.

13 (2) The size of the food stamp population.

14 (3) The need for geographic diversity.

15 (4) The availability of technology in targeted food retailers to
16 collect the data necessary to evaluate the pilot program.

17 (f) The department shall seek all necessary approvals to
18 establish the pilot program, and shall apply for available federal
19 matching funds to support the work of the pilot program.

20 (g) The department shall develop, in consultation with the
21 United States Department of Agriculture's Economic Research
22 Service, a process for evaluating the effectiveness of the pilot
23 program. The evaluation shall examine the impact of the various
24 strategies employed in the pilot program on the purchase of fresh
25 produce and on any increase in retailer space devoted to the sale
26 of fresh fruits and vegetables, and the effect this has on retailer
27 profitability. The evaluation also shall test alternatives to the
28 reliance on uniform product codes for identification of fresh
29 produce deemed eligible for financial incentives. The department
30 shall contract with an independent external evaluator ~~for~~ to
31 *conduct* this evaluation. The department shall make
32 recommendations to the Legislature regarding the continuation of
33 the pilot program, and any state and federal policy changes
34 needed to support the goals of the pilot program.

35 (h) The department shall not implement this article in any
36 fiscal year unless an appropriation by the Legislature of federal
37 or other funds has been made, in the annual Budget Act or
38 another statute, to the department expressly for the purposes of
39 implementing this article for that fiscal year.

1 (i) This article shall remain in effect until January 1, 2011, and
2 as of that date is repealed, unless a later enacted statute, that is
3 enacted before January 1, 2011, deletes or extends that date.

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