

AMENDED IN SENATE AUGUST 7, 2006

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**

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**Introduced by Assembly Member Leno**  
(Coauthor: Senator Alquist)

February 23, 2006

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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

1 availability of fresh fruits and vegetables at small neighborhood  
2 grocery stores, and making fresh produce purchases a smart  
3 economic choice for those with very limited food budgets.

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

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8  
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Article 1.5. Healthy Food Purchase Pilot Program

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

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

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

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

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

1 Institutions Code, to provide those incentives, and to implement  
2 the pilot program.

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

5 (1) At least one county that is above the food stamp average  
6 ~~county participation and at least one county that is below the~~  
7 ~~food stamp average county participation.~~ *county participation.*

8 (2) *At least one county that is below the food stamp average*  
9 *county participation.*

10 ~~(2)~~

11 (3) At least one county with high above-average rates of  
12 poverty, food insecurity, or obesity.

13 ~~(3)~~

14 (4) At least one urban county.

15 ~~(4)~~

16 (5) At least one rural county.

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

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

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

21 (3) The need for geographic diversity.

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

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

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

1 and any state and federal policy changes needed to support the  
2 goals of the pilot program.

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

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