

AMENDED IN ASSEMBLY APRIL 17, 2012

AMENDED IN ASSEMBLY MARCH 26, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1513

Introduced by Assembly Member Allen

January 13, 2012

An act to amend ~~Section~~ Sections 114257 and 115725 of, and to add Section 113862 to, the Health and Safety Code, relating to retail food facilities playgrounds.

LEGISLATIVE COUNSEL'S DIGEST

AB 1513, as amended, Allen. ~~Retail food facilities: playground sanitation.~~ *Playgrounds: retail food facilities.*

Existing law subjects certain outdoor playgrounds to specified regulations, including requiring outdoor playgrounds to conform to designated standards set by the American Society for Testing and Materials and guidelines set by the United States Consumer Product Safety Commission.

This bill would subject indoor playgrounds to these regulations.

Existing law, the California Retail Food Code, regulates retail food facilities to safeguard public health and requires local enforcement to enforce its provisions. Existing law requires that all premises of a food facility be kept clean, fully operative, and in good repair. A violation of these provisions is punishable as a misdemeanor.

This bill would include food facility playgrounds, as defined, within the requirement that the food facilities be kept clean, fully operative, and in good repair, and would require a food facility with an indoor playground to develop a plan to keep the playground area clean and

free of hazards to children. *By increasing the duties of local officials, this bill would impose a state-mandated local program.*

This bill would also require a retail food facility with a playground to ~~produce~~ *display or provide on request* a record of the playground's maintenance policy and inspection record *and to post a sign prohibiting customers from taking food into the playground structures.*

By creating a new crime, this 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 113862 is added to the Health and Safety~~
- 2 ~~Code, to read:~~
- 3 ~~113862. "Playground" means an improved area designed,~~
- 4 ~~equipped, and set aside for children's play that is not intended for~~
- 5 ~~use as an athletic playing field or athletic court, and shall include~~
- 6 ~~any playground equipment, fall zones, surface materials, access~~
- 7 ~~ramps, and all areas within and including the designated enclosure~~
- 8 ~~and barriers.~~
- 9 ~~SEC. 2.~~
- 10 ~~SECTION 1. Section 114257 of the Health and Safety Code is~~
- 11 ~~amended to read:~~
- 12 ~~114257. (a) All premises of a food facility, including indoor~~
- 13 ~~and outdoor playgrounds, shall be kept clean, fully operative, and~~
- 14 ~~in good repair.~~
- 15 ~~(b) For purposes of subdivision (a), a playground on the~~
- 16 ~~premises of a food facility shall meet the same standard of~~
- 17 ~~cleanliness that exists for all other areas of the food facility, except~~
- 18 ~~food handling and preparation areas.~~

1 (c) A retail food facility with a playground shall do all of the
2 following:

3 (1) ~~If the playground is indoors, develop~~ *Develop* a plan for
4 ensuring that indoor playground areas are kept clean and free of
5 conditions that may be hazardous to children, including, but not
6 limited to, cracked or broken playground structures.

7 (2) Display, or provide upon request, the retail food facility's
8 policy on playground maintenance and dates on which the
9 playground was last inspected and cleaned.

10 (3) ~~Prohibit~~ *Post a sign prohibiting* customers from taking food
11 into or on, or eating food on, playground structures, including, but
12 not limited to, climbing structures and slides, except that food may
13 be taken to and consumed within rest or observation areas within
14 or adjoining a playground area.

15 (d) *For purposes of this section, "playground" has the same*
16 *meaning as defined in Section 115725.*

17 *SEC. 2. Section 115725 of the Health and Safety Code is*
18 *amended to read:*

19 115725. (a) All new playgrounds open to the public built by
20 a public agency or any other entity shall conform to the
21 playground-related standards set forth by the American Society
22 for Testing and Materials and the playground-related guidelines
23 set forth by the United States Consumer Product Safety
24 Commission.

25 (b) Replacement of equipment or modification of components
26 inside existing playgrounds shall conform to the playground-related
27 standards set forth by the American Society for Testing and
28 Materials and the playground-related guidelines set forth by the
29 United States Consumer Product Safety Commission.

30 (c) All public agencies operating playgrounds and all other
31 entities operating playgrounds open to the public shall have a
32 playground safety inspector, certified by the National Playground
33 Safety Institute, conduct an initial inspection for the purpose of
34 aiding compliance with the requirements set forth in subdivision
35 (a) or (b), as applicable. Any inspection report may serve as a
36 reference when the upgrades are made, but is not intended for any
37 other use.

38 (d) Playgrounds installed between January 1, 1994, and
39 December 31, 1999, shall conform to the playground-related
40 standards set forth by the American Society for Testing and

1 Materials and the playground-related guidelines set forth by the
2 United States Consumer Product Safety Commission not later than
3 15 years after the date those playgrounds were installed.

4 (e) For purposes of this section, all of the following shall apply:

5 (1) An “entity operating a playground open to the public”
6 includes, but is not limited to, a church, subdivision, hotel, motel,
7 resort, camp, office, hospital, shopping center, day care setting,
8 and restaurant. An “entity operating a playground open to the
9 public” shall not include a foster family home, certified family
10 home, small family home, group home, or family day care home,
11 which is licensed and regulated to meet child safety requirements
12 enforced by the State Department of Social Services.

13 (2) “Playground” means an improved-~~outdoor~~ area designed,
14 equipped, and set aside for children’s play that is not intended for
15 use as an athletic playing field or athletic court, and shall include
16 any playground equipment, fall zones, surface materials, access
17 ramps, and all areas within and including the designated enclosure
18 and barriers.

19 (f) Operators of playgrounds in child care centers regulated by
20 the California Department of Social Services (CDSS) pursuant to
21 Title 22 of Division 12 of Chapter 1 of the California Code of
22 Regulations and facilities operated for the developmentally
23 disabled, shall comply with the requirements established in this
24 section.

25 (g) (1) No state funding shall be available for the planning,
26 development, or redevelopment of any playground, unless the
27 playground, after completion of the state-funded project, will
28 conform to the requirements of subdivision (a) or (b), as applicable.
29 However, where state funds have been appropriated to, or allocated
30 for, a playground project prior to the effective date of this section
31 but the section becomes effective prior to the completion of the
32 project, that funding shall be maintained, as long as the playground
33 is altered to conform to the requirements of subdivision (a) or (b),
34 as applicable, to the extent the alterations can be made without
35 adding significantly to the project cost.

36 (2) After the date by which an entity is required to conform its
37 playground to satisfy requirements of this section, no state funding
38 shall be available for the operation, maintenance, or supervision
39 of the playground unless the playground conforms to the applicable
40 requirements of the section.

1 SEC. 3. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution for certain
3 costs that may be incurred by a local agency or school district
4 because, in that regard, this act creates a new crime or infraction,
5 eliminates a crime or infraction, or changes the penalty for a crime
6 or infraction, within the meaning of Section 17556 of the
7 Government Code, or changes the definition of a crime within the
8 meaning of Section 6 of Article XIII B of the California
9 Constitution.

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