

AMENDED IN ASSEMBLY AUGUST 22, 2014

AMENDED IN ASSEMBLY JULY 3, 2014

AMENDED IN SENATE APRIL 8, 2013

**SENATE BILL**

**No. 170**

---

---

**Introduced by Senator Wolk**

February 4, 2013

---

---

An act to amend Sections 110480 and 113789 of the Health and Safety Code, relating to food safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 170, as amended, Wolk. Bale Grist Mill State Historic Park.

Existing law prohibits, with some exceptions, the manufacture, packing, or holding of processed food without a valid registration from the State Department of Public Health.

This bill would, *beginning January 1, 2016*, exempt from the registration requirements the milling, packaging, and selling of grain produced and sold at a water-driven grist mill on the National Register of Historic Places, provided best management practices suitable for a historic water-driven grist mill are followed for the processing and handling of the product, the flour is identified as being produced in a historic mill using traditional methods, and the product meets applicable federal food adulteration purity standards.

Existing law, the California Retail Food Code, provides for the regulation of health and sanitation standards for retail food facilities, as defined, by the department and is primarily enforced by local health agencies. A violation of any provision of the code is a misdemeanor.

This bill would, *beginning January 1, 2016*, exclude from the definition of a retail food facility a water-driven grist mill that is on the

National Register of Historic Places and that has onsite sales of grain that is milled at the facility. *The bill would make related findings, declarations, and statements of legislative intent.*

*This bill would incorporate additional changes to Section 113789 of the Health and Safety Code proposed by AB 1990 and SB 1235, to be operative only if this bill and either or both of those bills are chaptered and become effective on or before January 1, 2015, and this bill is chaptered last.*

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

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

1     SECTION 1. (a) *The Legislature finds and declares all of the*  
 2 *following:*  
 3     (1) *Recent legislation that established a moratorium on closure*  
 4 *of state parks and a matching funds program to help keep state*  
 5 *parks open have increased outreach to the public through the use*  
 6 *of creative partnerships and other innovative tools, and other*  
 7 *provisions have helped stabilize the Department of Parks and*  
 8 *Recreation and broaden its financial base.*  
 9     (2) *Ongoing efforts by the Parks Forward Commission, the*  
 10 *State Parks and Recreation Commission, and the Department of*  
 11 *Parks and Recreation to develop a more secure financial base for*  
 12 *the department through the increased use of pilot projects, the sale*  
 13 *of specialized or regional passes, and other internal reforms are*  
 14 *providing early signs of success that should be strengthened.*  
 15     (3) *A stable funding structure must be established for the state*  
 16 *parks, including a more entrepreneurial and robust*  
 17 *revenue-generation strategy with increased efficiency and*  
 18 *accountability, and a dedicated, reliable source of public funding*  
 19 *that will meet ongoing operating needs and continually reduce the*  
 20 *backlog of unmet maintenance needed to protect valuable park*  
 21 *assets.*  
 22     (b) *It is the intent of the Legislature in enacting this act to*  
 23 *encourage the Department of Parks and Recreation and the State*  
 24 *Department of Public Health to consult with each other to develop*  
 25 *and implement additional, reasonable improvements designed to*  
 26 *increase public health security at the Bale Grist Mill State Historic*

1 *Park, without impairing or adversely affecting historical, cultural,*  
2 *or natural resources.*

3 **SECTION 1.**

4 *SEC. 2.* Section 110480 of the Health and Safety Code is  
5 amended to read:

6 110480. The registration provisions of this article shall not  
7 apply to any person whose manufacturing, packing, or holding of  
8 processed food is limited solely to temporarily holding processed  
9 foods for up to seven days for further transport if the foods are not  
10 potentially hazardous foods, as defined in Section 110005, or to  
11 any person whose manufacturing, packing, or holding of processed  
12 food is limited solely to activities authorized by any of the  
13 following:

14 (a) A valid bottled water or water vending machine license  
15 issued pursuant to Article 12 (commencing with Section 111070).

16 (b) A valid pet food license issued pursuant to Chapter 10  
17 (commencing with Section 113025) of Part 6.

18 (c) A valid permit issued pursuant to Chapter 4 (commencing  
19 with Section 113700) of Part 7 to a food facility including a food  
20 facility that manufactures, packs, or holds processed food for sale  
21 at wholesale, provided the food facility that manufactures, packs,  
22 or holds processed food for sale at wholesale does not meet any  
23 of the following conditions:

24 (1) Has gross annual wholesale sales of processed foods of more  
25 than 25 percent of total food sales.

26 (2) Sells processed foods outside the jurisdiction of the local  
27 health department.

28 (3) Sells processed foods that require labeling pursuant to this  
29 part.

30 (4) Processes or handles fresh seafood, frozen seafood held in  
31 bulk for further processing, or fresh or frozen raw shellfish.

32 (5) Salvages processed foods for sale other than at the retail  
33 food facility.

34 (d) A valid cold storage license issued pursuant to Chapter 6  
35 (commencing with Section 112350) of Part 6.

36 (e) A valid cannery license issued pursuant to Chapter 8  
37 (commencing with Section 112650) of Part 6.

38 (f) A valid shellfish certificate issued pursuant to Chapter 5  
39 (commencing with Section 112150) of Part 6.

1 (g) A valid frozen food locker plant license issued pursuant to  
2 Chapter 7 (commencing with Section 112500) of Part 6.

3 (h) A valid winegrower’s license or wine blender’s license  
4 pursuant to Division 9 (commencing with Section 23000) of the  
5 Business and Professions Code.

6 (i) A valid milk products plant, margarine, imitation ice cream,  
7 imitation ice milk, or a products resembling milk products plant  
8 license, issued pursuant to Division 15 (commencing with Section  
9 32501) of the Food and Agricultural Code.

10 (j) A valid permit issued by a local health department to operate  
11 a processing establishment, as defined in Section 111955, that only  
12 holds or warehouses processed food, pursuant to Article 1  
13 (commencing with Section 111950) of Chapter 4 of Part 6,  
14 provided that all of the following conditions are met:

15 (1) The warehouse does not manufacture or pack processed  
16 food.

17 (2) The warehouse does not hold fresh seafood, frozen seafood  
18 held in bulk for further processing, or fresh or frozen raw shellfish.

19 (3) The warehouse is not operated as an integral part of a food  
20 processing facility required to be registered pursuant to Section  
21 110460.

22 (4) The warehouse facilities are located entirely within the area  
23 under the jurisdiction of the local health department.

24 (5) The warehouse does not salvage food as the primary  
25 business.

26 (k) This section shall not be construed to limit the authority of  
27 Los Angeles, San Bernardino, and Orange Counties, or of the City  
28 of Vernon, to conduct any inspections otherwise authorized by  
29 Chapter 4 (commencing with Section 111950) of Part 6.

30 (l) ~~The~~ *Beginning January 1, 2016, the* milling, packaging, and  
31 selling of grain produced and sold at a water-driven grist mill on  
32 the National Register of Historic Places, provided best management  
33 practices suitable for a historic water-driven grist mill are followed  
34 for the processing and handling of the product, the flour is  
35 identified as being produced in a historic mill using traditional  
36 methods, and the product meets applicable federal food adulteration  
37 purity standards.

38 ~~SEC. 2.~~

39 *SEC. 3.* Section 113789 of the Health and Safety Code is  
40 amended to read:

1 113789. (a) “Food facility” means an operation that stores,  
2 prepares, packages, serves, vends, or otherwise provides food for  
3 human consumption at the retail level, including, but not limited  
4 to, the following:

5 (1) An operation where food is consumed on or off the premises,  
6 regardless of whether there is a charge for the food.

7 (2) ~~Any~~A place used in conjunction with the operations  
8 described in this subdivision, including, but not limited to, storage  
9 facilities for food-related utensils, equipment, and materials.

10 (b) “Food facility” includes permanent and nonpermanent food  
11 facilities, including, but not limited to, the following:

12 (1) Public and private school cafeterias.

13 (2) Restricted food service facilities.

14 (3) Licensed health care facilities, except as provided in  
15 paragraph (13) of subdivision (c).

16 (4) Commissaries.

17 (5) Mobile food facilities.

18 (6) Mobile support units.

19 (7) Temporary food facilities.

20 (8) Vending machines.

21 (9) Certified farmers’ markets, for purposes of permitting and  
22 enforcement pursuant to Section 114370.

23 (10) Farm stands, for purposes of permitting and enforcement  
24 pursuant to Section 114375.

25 (c) “Food facility” does not include any of the following:

26 (1) A cooperative arrangement wherein no permanent facilities  
27 are used for storing or handling food.

28 (2) A private home, including a cottage food operation that is  
29 registered or has a permit pursuant to Section 114365.

30 (3) A church, private club, or other nonprofit association that  
31 gives or sells food to its members and guests, and not to the general  
32 public, at an event that occurs not more than three days in any  
33 90-day period.

34 (4) A for-profit entity that gives or sells food at an event that  
35 occurs not more than three days in a 90-day period for the benefit  
36 of a nonprofit association, if the for-profit entity receives no  
37 monetary benefit, other than that resulting from recognition from  
38 participating in an event.

39 (5) Premises set aside for wine tasting, as that term is used in  
40 Section 23356.1 of the Business and Professions Code and in the

1 regulations adopted pursuant to that section, that comply with  
2 Section 118375, regardless of whether there is a charge for the  
3 wine tasting, if no other beverage, except for bottles of wine and  
4 prepackaged nonpotentially hazardous beverages, is offered for  
5 sale for onsite consumption and no food, except for crackers, is  
6 served.

7 (6) Premises operated by a producer, selling or offering for sale  
8 only whole produce grown by the producer, or shell eggs, or both,  
9 provided the sales are conducted on premises controlled by the  
10 producer.

11 (7) A commercial food processing plant as defined in Section  
12 111955.

13 (8) A child day care facility, as defined in Section 1596.750.

14 (9) A community care facility, as defined in Section 1502.

15 (10) A residential care facility for the elderly, as defined in  
16 Section 1569.2.

17 (11) A residential care facility for the chronically ill, which has  
18 the same meaning as a residential care facility, as defined in Section  
19 1568.01.

20 (12) Premises set aside by a beer manufacturer, as defined in  
21 Section 25000.2 of the Business and Professions Code, that comply  
22 with Section 118375, for the purposes of beer tasting, regardless  
23 of whether there is a charge for the beer tasting, if no other  
24 beverage, except for beer and prepackaged nonpotentially  
25 hazardous beverages, is offered for sale for onsite consumption,  
26 and no food, except for crackers or pretzels, is served.

27 (13) (A) An intermediate care facility for the developmentally  
28 disabled, as defined in subdivisions (e), (h), and (m) of Section  
29 1250, with a capacity of six beds or fewer.

30 (B) A facility described in subparagraph (A) shall report any  
31 foodborne illness or outbreak to the local health department and  
32 to the State Department of Public Health within 24 hours of the  
33 illness or outbreak.

34 (14) ~~A~~ *Beginning January 1, 2016, a* water-driven grist mill  
35 that is on the National Register of Historic Places and that has  
36 onsite sales of grain that is milled at the facility.

37 *SEC. 3.1. Section 113789 of the Health and Safety Code is*  
38 *amended to read:*

39 113789. (a) “Food facility” means an operation that stores,  
40 prepares, packages, serves, vends, or otherwise provides food for

1 human consumption at the retail level, including, but not limited  
2 to, the following:

3 (1) An operation where food is consumed on or off the premises,  
4 regardless of whether there is a charge for the food.

5 (2) ~~Any~~—A place used in conjunction with the operations  
6 described in this subdivision, including, but not limited to, storage  
7 facilities for food-related utensils, equipment, and materials.

8 (b) “Food facility” includes permanent and nonpermanent food  
9 facilities, including, but not limited to, the following:

10 (1) Public and private school cafeterias.

11 (2) Restricted food service facilities.

12 (3) Licensed health care facilities, except as provided in  
13 paragraph (13) of subdivision (c).

14 (4) Commissaries.

15 (5) Mobile food facilities.

16 (6) Mobile support units.

17 (7) Temporary food facilities.

18 (8) Vending machines.

19 (9) Certified farmers’ markets, for purposes of permitting and  
20 enforcement pursuant to Section 114370.

21 (10) Farm stands, for purposes of permitting and enforcement  
22 pursuant to Section 114375.

23 (c) “Food facility” does not include any of the following:

24 (1) A cooperative arrangement wherein no permanent facilities  
25 are used for storing or handling food.

26 (2) A private home, including a cottage food operation that is  
27 registered or has a permit pursuant to Section 114365.

28 (3) A church, private club, or other nonprofit association that  
29 gives or sells food to its members and guests, and not to the general  
30 public, at an event that occurs not more than three days in any  
31 90-day period.

32 (4) A for-profit entity that gives or sells food at an event that  
33 occurs not more than three days in a 90-day period for the benefit  
34 of a nonprofit association, if the for-profit entity receives no  
35 monetary benefit, other than that resulting from recognition from  
36 participating in an event.

37 (5) Premises set aside for wine tasting, as that term is used in  
38 Section 23356.1 of the Business and Professions Code and in the  
39 regulations adopted pursuant to that section, that comply with  
40 Section 118375, regardless of whether there is a charge for the

1 wine tasting, if no other beverage, except for bottles of wine and  
2 prepackaged nonpotentially hazardous beverages, is offered for  
3 sale for onsite consumption and no food, except for crackers, is  
4 served.

5 (6) Premises operated by a producer, selling or offering for sale  
6 only whole produce grown by the ~~producer~~, *producer* or shell eggs,  
7 or both, provided the sales are conducted on premises controlled  
8 by the producer.

9 (7) A commercial food processing ~~plant~~ *establishment* as defined  
10 in Section 111955.

11 (8) A child day care facility, as defined in Section 1596.750.

12 (9) A community care facility, as defined in Section 1502.

13 (10) A residential care facility for the elderly, as defined in  
14 Section 1569.2.

15 (11) A residential care facility for the chronically ill, which has  
16 the same meaning as a residential care facility, as defined in Section  
17 1568.01.

18 (12) Premises set aside by a beer manufacturer, as defined in  
19 Section 25000.2 of the Business and Professions Code, that comply  
20 with Section 118375, for the purposes of beer tasting, regardless  
21 of whether there is a charge for the beer tasting, if no other  
22 beverage, except for beer and prepackaged nonpotentially  
23 hazardous beverages, is offered for sale for onsite consumption,  
24 and no food, except for crackers or pretzels, is served.

25 (13) (A) An intermediate care facility for the developmentally  
26 disabled, as defined in subdivisions (e), (h), and (m) of Section  
27 1250, with a capacity of six beds or fewer.

28 (B) A facility described in subparagraph (A) shall report any  
29 foodborne illness or outbreak to the local health department and  
30 to the State Department of Public Health within 24 hours of the  
31 illness or outbreak.

32 (14) *Beginning January 1, 2016, a water-driven grist mill that*  
33 *is on the National Register of Historic Places and that has onsite*  
34 *sales of grain that is milled at the facility.*

35 (15) *A community food producer, as defined in Section 113752.*

36 *SEC. 3.2. Section 113789 of the Health and Safety Code is*  
37 *amended to read:*

38 113789. (a) “Food facility” means an operation that stores,  
39 prepares, packages, serves, vends, or otherwise provides food for

1 human consumption at the retail level, including, but not limited  
2 to, the following:

3 (1) An operation where food is consumed on or off the premises,  
4 regardless of whether there is a charge for the food.

5 (2) ~~Any~~A place used in conjunction with the operations  
6 described in this subdivision, including, but not limited to, storage  
7 facilities for food-related utensils, equipment, and materials.

8 (b) “Food facility” includes permanent and nonpermanent food  
9 facilities, including, but not limited to, the following:

10 (1) Public and private school cafeterias.

11 (2) Restricted food service facilities.

12 (3) Licensed health care facilities, except as provided in  
13 paragraph (13) of subdivision (c).

14 (4) Commissaries.

15 (5) Mobile food facilities.

16 (6) Mobile support units.

17 (7) Temporary food facilities.

18 (8) Vending machines.

19 (9) Certified farmers’ markets, for purposes of permitting and  
20 enforcement pursuant to Section 114370.

21 (10) Farm stands, for purposes of permitting and enforcement  
22 pursuant to Section 114375.

23 (c) “Food facility” does not include any of the following:

24 (1) A cooperative arrangement wherein no permanent facilities  
25 are used for storing or handling food.

26 (2) A private home, including a cottage food operation that is  
27 registered or has a permit pursuant to Section 114365.

28 (3) A church, private club, or other nonprofit association that  
29 gives or sells food to its members and guests, and not to the general  
30 public, at an event that occurs not more than three days in any  
31 90-day period.

32 (4) A for-profit entity that gives or sells food at an event that  
33 occurs not more than three days in a 90-day period for the benefit  
34 of a nonprofit association, if the for-profit entity receives no  
35 monetary benefit, other than that resulting from recognition from  
36 participating in an event.

37 (5) Premises set aside for wine tasting, as that term is used in  
38 Section 23356.1 of the Business and Professions Code and in the  
39 regulations adopted pursuant to that section, that comply with  
40 Section 118375, regardless of whether there is a charge for the

1 wine tasting, if no other beverage, except for bottles of wine and  
2 prepackaged nonpotentially hazardous beverages, is offered for  
3 sale for onsite consumption and no food, except for crackers, is  
4 served.

5 (6) Premises operated by a producer, selling or offering for sale  
6 only whole produce grown by the producer, or shell eggs, or both,  
7 provided the sales are conducted on premises controlled by the  
8 producer.

9 (7) A commercial food processing plant as defined in Section  
10 111955.

11 (8) A child day care facility, as defined in Section 1596.750.

12 (9) A community care facility, as defined in Section 1502.

13 (10) A residential care facility for the elderly, as defined in  
14 Section 1569.2.

15 (11) A residential care facility for the chronically ill, which has  
16 the same meaning as a residential care facility, as defined in Section  
17 1568.01.

18 (12) Premises set aside by a beer manufacturer, as defined in  
19 Section 25000.2 of the Business and Professions Code, that comply  
20 with Section 118375, for the purposes of beer tasting, regardless  
21 of whether there is a charge for the beer tasting, if no other  
22 beverage, except for beer and prepackaged nonpotentially  
23 hazardous beverages, is offered for sale for onsite consumption,  
24 and no food, except for ~~crackers or pretzels, is served.~~ *crackers,*  
25 *pretzels, or prepackaged food that is not potentially hazardous*  
26 *food is offered for onsite consumption.*

27 (13) (A) An intermediate care facility for the developmentally  
28 disabled, as defined in subdivisions (e), (h), and (m) of Section  
29 1250, with a capacity of six beds or fewer.

30 (B) A facility described in subparagraph (A) shall report any  
31 foodborne illness or outbreak to the local health department and  
32 to the State Department of Public Health within 24 hours of the  
33 illness or outbreak.

34 (14) *Beginning January 1, 2016, a water-driven grist mill that*  
35 *is on the National Register of Historic Places and that has onsite*  
36 *sales of grain that is milled at the facility.*

37 *SEC. 3.3. Section 113789 of the Health and Safety Code is*  
38 *amended to read:*

39 113789. (a) “Food facility” means an operation that stores,  
40 prepares, packages, serves, vends, or otherwise provides food for

1 human consumption at the retail level, including, but not limited  
2 to, the following:

3 (1) An operation where food is consumed on or off the premises,  
4 regardless of whether there is a charge for the food.

5 (2) ~~Any~~A place used in conjunction with the operations  
6 described in this subdivision, including, but not limited to, storage  
7 facilities for food-related utensils, equipment, and materials.

8 (b) “Food facility” includes permanent and nonpermanent food  
9 facilities, including, but not limited to, the following:

10 (1) Public and private school cafeterias.

11 (2) Restricted food service facilities.

12 (3) Licensed health care facilities, except as provided in  
13 paragraph (13) of subdivision (c).

14 (4) Commissaries.

15 (5) Mobile food facilities.

16 (6) Mobile support units.

17 (7) Temporary food facilities.

18 (8) Vending machines.

19 (9) Certified farmers’ markets, for purposes of permitting and  
20 enforcement pursuant to Section 114370.

21 (10) Farm stands, for purposes of permitting and enforcement  
22 pursuant to Section 114375.

23 (c) “Food facility” does not include any of the following:

24 (1) A cooperative arrangement wherein no permanent facilities  
25 are used for storing or handling food.

26 (2) A private home, including a cottage food operation that is  
27 registered or has a permit pursuant to Section 114365.

28 (3) A church, private club, or other nonprofit association that  
29 gives or sells food to its members and guests, and not to the general  
30 public, at an event that occurs not more than three days in any  
31 90-day period.

32 (4) A for-profit entity that gives or sells food at an event that  
33 occurs not more than three days in a 90-day period for the benefit  
34 of a nonprofit association, if the for-profit entity receives no  
35 monetary benefit, other than that resulting from recognition from  
36 participating in an event.

37 (5) Premises set aside for wine tasting, as that term is used in  
38 Section 23356.1 of the Business and Professions Code and in the  
39 regulations adopted pursuant to that section, that comply with  
40 Section 118375, regardless of whether there is a charge for the

1 wine tasting, if no other beverage, except for bottles of wine and  
2 prepackaged nonpotentially hazardous beverages, is offered for  
3 sale for onsite consumption and no food, except for crackers, is  
4 served.

5 (6) Premises operated by a producer, selling or offering for sale  
6 only whole produce grown by the ~~producer~~, *producer* or shell eggs,  
7 or both, provided the sales are conducted on premises controlled  
8 by the producer.

9 (7) A commercial food processing ~~plant~~ *establishment* as defined  
10 in Section 111955.

11 (8) A child day care facility, as defined in Section 1596.750.

12 (9) A community care facility, as defined in Section 1502.

13 (10) A residential care facility for the elderly, as defined in  
14 Section 1569.2.

15 (11) A residential care facility for the chronically ill, which has  
16 the same meaning as a residential care facility, as defined in Section  
17 1568.01.

18 (12) Premises set aside by a beer manufacturer, as defined in  
19 Section 25000.2 of the Business and Professions Code, that comply  
20 with Section 118375, for the purposes of beer tasting, regardless  
21 of whether there is a charge for the beer tasting, if no other  
22 beverage, except for beer and prepackaged nonpotentially  
23 hazardous beverages, is offered for sale for onsite consumption,  
24 and no food, except for ~~crackers or pretzels, is served.~~ *crackers,*  
25 *pretzels, or prepackaged food that is not potentially hazardous*  
26 *food is offered for onsite consumption.*

27 (13) (A) An intermediate care facility for the developmentally  
28 disabled, as defined in subdivisions (e), (h), and (m) of Section  
29 1250, with a capacity of six beds or fewer.

30 (B) A facility described in subparagraph (A) shall report any  
31 foodborne illness or outbreak to the local health department and  
32 to the State Department of Public Health within 24 hours of the  
33 illness or outbreak.

34 (14) *Beginning January 1, 2016, a water-driven grist mill that*  
35 *is on the National Register of Historic Places and that has onsite*  
36 *sales of grain that is milled at the facility.*

37 (15) *A community food producer, as defined in Section 113752.*

38 *SEC. 4. Section 3.1 of this bill incorporates amendments to*  
39 *Section 113789 of the Health and Safety Code proposed by both*  
40 *this bill and Assembly Bill 1990. It shall only become operative if*

1 *(1) both bills are enacted and become effective on or before*  
2 *January 1, 2015, (2) each bill amends Section 113789 of the Health*  
3 *and Safety Code, (3) Senate Bill 1235 is not enacted or as enacted*  
4 *does not amend that section, and (4) this bill is enacted after*  
5 *Assembly Bill 1990, in which case Sections 3, 3.2, and 3.3 of this*  
6 *bill shall not become operative.*

7 *SEC. 5. Section 3.2 of this bill incorporates amendments to*  
8 *Section 113789 of the Health and Safety Code proposed by both*  
9 *this bill and Senate Bill 1235. It shall only become operative if (1)*  
10 *both bills are enacted and become effective on or before January*  
11 *1, 2015, (2) each bill amends Section 113789 of the Health and*  
12 *Safety Code, (3) Assembly Bill 1990 is not enacted or as enacted*  
13 *does not amend that section, and (4) this bill is enacted after Senate*  
14 *Bill 1235, in which case Sections 3, 3.1, and 3.3 of this bill shall*  
15 *not become operative.*

16 *SEC. 6. Section 3.3 of this bill incorporates amendments to*  
17 *Section 113789 of the Health and Safety Code proposed by this*  
18 *bill, Assembly Bill 1990, and Senate Bill 1235. It shall only become*  
19 *operative if (1) all three bills are enacted and become effective on*  
20 *or before January 1, 2015, (2) all three bills amend Section 113789*  
21 *of the Health and Safety Code, and (3) this bill is enacted after*  
22 *Assembly Bill 1990 and Senate Bill 1235, in which case Sections*  
23 *3, 3.1, and 3.2 of this bill shall not become operative.*

O