

ASSEMBLY BILL

No. 1678

Introduced by Assembly Member Monning

February 14, 2012

An act to add Section 114294.1 to the Health and Safety Code, relating to food.

LEGISLATIVE COUNSEL'S DIGEST

AB 1678, as introduced, Monning. Mobile food facilities: school campus location.

The California Retail Food Code provides for the regulation of health and sanitation standards for retail food facilities, including mobile food facilities, as defined, by the State Department of Public Health. Under existing law, local health agencies are primarily responsible for enforcing this code. A violation of these provisions is punishable as a misdemeanor.

This bill would prohibit a mobile food facility from selling or otherwise providing food or beverages within 1,500 feet of any property line of an elementary or secondary school campus, as specified. It would also require the enforcing agency to notify each individual or entity that seeks approval of a mobile food facility of this requirement. By imposing additional duties upon local officials and creating a new crime, this bill would create 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. The Legislature finds and declares all of the
2 following:
- 3 (a) All students deserve a school environment that promotes
4 and protects good health.
- 5 (b) A school environment that fosters good health through sound
6 nutrition is critical to overall student wellness and academic
7 achievement.
- 8 (c) Past and ongoing efforts to create a healthier school
9 environment for California's students are undermined by
10 off-campus mobile food vending, which competes with the
11 provision of healthful meals and snacks through the federally
12 funded school nutrition programs.
- 13 (d) Mobile food vending diminishes participation in the school
14 nutrition programs, reinforces the stigma associated with eating
15 school meals, and jeopardizes the fiscal viability of school nutrition
16 programs at the local level.
- 17 (e) Well-nourished students, such as those who participate in
18 school meal programs, demonstrate better cognitive performance,
19 classroom behavior, and social interaction, as well as improved
20 academic achievement.
- 21 (f) Research shows meals served at school are often more
22 nutritious than meals brought from home or served elsewhere.
23 Students who participate in the School Breakfast Program consume
24 more milk, more fruit, and less added sugar than their peers who
25 do not eat a school breakfast. Students who participate in the
26 National School Lunch Program consume more milk and more
27 nutrient-dense lunches than their nonparticipating peers.
28 Low-income students who participate in school lunch also eat more
29 fruit than their nonparticipating peers.

1 (g) Mobile food vending increases students' access to foods and
2 beverages that are calorie rich, nutrient poor, and contribute to
3 negative health outcomes like being overweight and obesity.

4 (h) Mobile food vending near school campuses provides an
5 incentive for students to leave school grounds, which decreases
6 adult supervision of students during school hours and increases
7 students' exposure to off-campus safety hazards.

8 (i) Mobile food vending near school campuses often results in
9 crowded, impassable sidewalks and traffic congestion near school
10 grounds, that infringes upon student safety.

11 (j) Mobile food vending near school campuses specifically and
12 intentionally targets California's students.

13 (k) To help ensure student safety, promote good nutrition, and
14 create healthier school environments, areas surrounding school
15 campuses should be free of mobile food vending.

16 SEC. 2. Section 114294.1 is added to the Health and Safety
17 Code, to read:

18 114294.1. (a) A mobile food facility may not sell or otherwise
19 provide food or beverages within 1,500 feet of the property line
20 of an elementary or secondary school campus, from the hours of
21 6:00 a.m. and 6:00 p.m., inclusive, on a day that school is in
22 session.

23 (b) The enforcement agency shall, in the course of approving
24 mobile food facilities pursuant to Section 114294, provide
25 notification of the restriction described in this section to each
26 individual or entity that seeks approval of a mobile food facility.

27 SEC. 3. No reimbursement is required by this act pursuant to
28 Section 6 of Article XIII B of the California Constitution for certain
29 costs that may be incurred by a local agency or school district
30 because, in that regard, this act creates a new crime or infraction,
31 eliminates a crime or infraction, or changes the penalty for a crime
32 or infraction, within the meaning of Section 17556 of the
33 Government Code, or changes the definition of a crime within the
34 meaning of Section 6 of Article XIII B of the California
35 Constitution.

36 However, if the Commission on State Mandates determines that
37 this act contains other costs mandated by the state, reimbursement
38 to local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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