



SB 972 (Gonzalez) – Enhancing Safety of Sidewalk Food Vending

SUMMARY

Senate Bill (SB) 972 will modernize the California Retail Food Code (CRFC) to include sidewalk food vendors and bring thousands of micro-entrepreneurs into a more equitable and well-regulated food economy while enhancing critical health and food safety regulation.

EXISTING LAW

SB 946 (Lara, Chapter 459, Statutes of 2018) established a legal framework for sidewalk vending while not altering how retail food sales are treated. Existing law allows for “time, place and manner” regulations based on objective health, safety, and welfare concerns, and doesn’t change how retail food sales are treated.

Existing law establishes microenterprise home kitchen operation (MEHKO) as a type of food facility and regulates how much a MEHKO can sell and how the food is delivered.

Existing law allows individuals to prepare and/or package certain non-potentially hazardous foods in private-home kitchens referred to as “cottage food operations.”

BACKGROUND/PROBLEM

Sidewalk food vending is an integral part of the cultural and civic fabric of communities across California, but many of the most popular and iconic street foods remain under a de facto ban due to outdated and exclusionary regulations.

Sidewalk food vending provides vital economic opportunities for low-income and immigrant workers. It provides an opportunity for entrepreneurial community members to start from almost nothing and build businesses to support themselves and their families. Many sidewalk food vendors view sidewalk sales as the first rung on an economic ladder, pursuing their American dream of turning their cart-based business into a truck and then eventually a brick-and-mortar restaurant.

SB 946 established parameters for local regulation of sidewalk vendors to ensure that local governments can’t directly or indirectly ban sidewalk vending. After SB 946 was adopted, local sidewalk vending permitting programs required compliance with the CRFC as a condition of obtaining a permit.

The CRFC was adopted when small-scale sidewalk vending was still banned across California. As a result, food safety requirements under the CRFC were designed with large-scale facilities in mind, and these requirements are generally more onerous than the requirements in similar jurisdictions around the nation. For instance, the CRFC currently imposes requirements for sinks and water storage on sidewalk vending carts that exceed other jurisdictions and contribute so significantly to the size and weight of a vending cart that it may be too large and too heavy for any standard city sidewalk.

Small-scale sidewalk food vendors—who are now legalized under SB 946—are largely unable to comply with the unsuitable provisions of the CRFC, and are therefore unable to obtain permits from their local health departments to sell food legally. This undermines public health by keeping sidewalk food vendors out of formal health regulation structures.

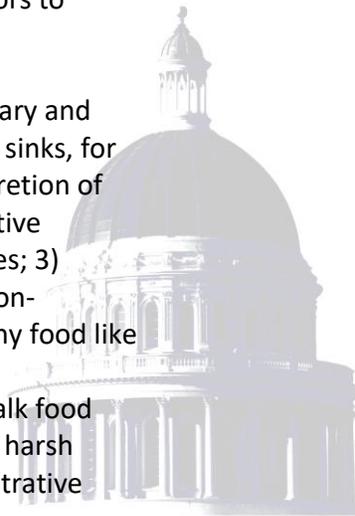
Further, the continued exclusion of sidewalk food vendors directly contradicts the Legislature's intent in adopting SB 946 by denying economic opportunity and unfairly criminalizing sidewalk vendors.

SOLUTION

SB 972 modernizes the CRFC by reducing the barriers to obtain a local health permit, which will support food vendors, opening up economic opportunities for low income entrepreneurs and improving food safety and public health for consumers.

Specifically, SB 972 defines compact mobile food facility to better incorporate sidewalk vendors into the CRFC, and makes small changes to the microenterprise home kitchen operation and the Cottage Food Operation laws to allow sidewalk food vendors to access these existing programs.

Furthermore, SB 972 1) eliminates unnecessary and expensive equipment requirements, such as sinks, for sidewalk food vendors; 2) increases the discretion of local health departments to approve innovative equipment design for all mobile food facilities; 3) enhances safe on-site food preparation of non-potentially hazardous foods, including healthy food like sliced fruit and vegetables; 4) catalyzes the manufacturing of safe and affordable sidewalk food vending equipment at scale; and 5) replaces harsh criminal penalties with non-criminal administrative fines for code violations.



SUPPORT

Coalition for Humane Immigrant Rights (Co-Sponsor)
Community Power Collective (Co-Sponsor)
Inclusive Action for the City (Co-Sponsor)
Insurance Commissioner Ricardo Lara (Co-Sponsor)
Public Counsel (Co-Sponsor)
Western Center on Law & Poverty (Co-Sponsor)

CONTACT

Arianna Medel, Legislative Aide
(916) 651-4033
Arianna.Medel@sen.ca.gov