



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

SUMMARY

Senate Bill (SB) 972 will modernize the California Retail Food Code (CalCode) 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communities across California, but many of the most popular and iconic street foods remain under a de facto ban due to outdated and exclusionary regulations.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 CalCode as a condition of obtaining a permit.

CalCode was adopted when small-scale sidewalk vending was still banned across California. As a result, food safety requirements under CalCode 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, CalCode 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 CalCode, 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 CalCode 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 creates a new chapter for Compact Mobile Food Operations to better incorporate sidewalk food vendors into CalCode, 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) revises unnecessary and expensive equipment requirements, such as three compartment 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 by sidewalk food vendors.

SUPPORT

California Insurance Commissioner Ricardo Lara (Co-Sponsor)
Coalition for Humane Immigrant Rights (Co-Sponsor)
Community Power Collective (Co-Sponsor)
Inclusive Action for the City (Co-Sponsor)
Public Counsel (Co-Sponsor)
Western Center on Law & Poverty (Co-Sponsor)
Active San Gabriel Valley
African American Chamber of Commerce of San Joaquin County
Alliance for Community Transit - Los Angeles (ACT-LA)
Beverly-Vermont Community Land Trust
Black Street Vendors Coalition

Brown Issues
California Calls
California Asian Pacific Chamber of Commerce (CAPCC)
California Association for Micro Enterprise Opportunity (CAMEO)
California Coalition for Community Investment
California Community Economic Development Association
California Community Foundation
California Environmental Voters
California Immigrant Policy Center
California Reinvestment Coalition
Californians for Economic Justice
Central Coast Alliance United for a Sustainable Economy
cityLAB UCLA
Climate Resolve
Common Future
Community Action Board of Santa Cruz County, INC
Community Health Councils
Comunidades Indígenas en Liderazgo (CIELO)
Council of Mexican Federation in North America (COFEM)
Courage California
County of Los Angeles
Cultiva La Salud
Drug Policy Alliance
East LA Community Corporation
Eastmont Community Center
El Concilio California
Esperanza Community Housing Corporation
Having Our Say Coalition
Hispanic Chamber of Commerce of San Francisco
Housing Now!
Initiating Change in Our Neighborhoods Community Development Corporation (ICON CDC)
Immigrants are Los Angeles (IRLA)
Inland Coalition for Immigrant Justice
Kounkuey Design Initiative
LA Forward
LA Más
LAC USC Medical Center Foundation
Latino Coalition for a Healthy California
Latino Community Foundation
Legacy LA Youth Development Corporation
Leimert Park Village Vendors Association
Local Initiatives Support Corporation Bay Area
Local Initiatives Support Corporation Los Angeles
Local Initiatives Support Corporation San Diego

Los Angeles Area Chamber of Commerce
Los Angeles Food Policy Council
Los Angeles Mayor Eric Garcetti
Loyola Immigrant Justice Clinic – Loyola Law School
Mandela Partners
Mission Asset Fund
Mission Economic Development Agency (MEDA)
Pilipino Workers Center
Polo’s Pantry
Pomona Economic Opportunity Center
Safe Place for Youth
San Diego Immigrant Rights Consortium
Self Help Graphics & Art (SHG)
Small Business Majority
South Asian Network (SAN)
Strategic Actions for a Just Economy (SAJE)
Thai Community Development Center
UCLA Labor Center
United Way of Greater Los Angeles
Urban Movement Labs
Venice Community Housing Corporation

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