LEGISLATIVE OVERVIEW

S3 Long Beach

May 10, 2017

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CCDEH
S3 AND A NEW WAVE OF EH ENGAGEMENT DRIVES NEED TO THINK OUTSIDE OF THE REGULATORY BOX

- Food that’s sanitary but not safe
- 1 in 6 children in California that are food insecure
- 1 in 6 children in California that are obese
- Food deserts in Nation’s food basket
- Unsustainable but profitable agricultural crops
- 40% of food produced is not consumed by humans
A BRAVE NEW WORLD IN FOOD AND THE SHARED ECONOMY

• Challenges to conventional thinking
• Drivers in a “shared economy”
• Cannabis edibles
• In-home food operations
• Caterers and food deliveries
• Diverting food waste to feed the hungry & save our limited resources
DRIVERS IN A SHARED ECONOMY

- Critical mass – the minimum size of a network for it to be worthwhile for potential users to enter
- Idle capacity – untapped value of unused or underused assets
- Higher costs of ownership
- Belief in the commons – belief in the value of communities of shared interests
- Trust between strangers: Reputation is the new currency and trust is the new key
- Growing distrust of large corporations, banks and governments – Millennials trust people over brands
- For few, a recommendation from friends for such shared service, seem to be the major driver
- Technology, economy, environment and community
- People getting more comfortable with sharing with strangers and in using second-hand or pre-owned products rather than considering it a taboo
SHARED ECONOMY
BUSINESSES THAT ARE TRASFORMING THE ENTIRE ECONOMY

Airbnb: Over $30Billion
Uber, Lyft and others: Over $50Billion
CANNABIS EDIBLES
not just medicinal anymore…
PROP 215

• California Prop 215 or The Compassionate Use Act of 1996 enacted statewide authorization of the use of marijuana for medical purposes. The law allows patients with a valid doctor's recommendation to possess and cultivate marijuana for personal medical use.

• Prop 215 was the first medical marijuana ballot initiative passed at the state level and has caused confusion and conflict between state and federal regulations on the topic for nearly 20 years.
MCRSA

The Medical Cannabis Regulation and Safety Act of 2015 consists of three separate bills which were enacted together on Sept 11, 2015. The statute establishes a comprehensive state licensing system for the commercial cultivation, manufacture, retail sale, transport, distribution, delivery, and testing of medical cannabis. All licenses must also be approved by local governments. The law established the Bureau of Medical Cannabis Regulation in the Department of Consumer Affairs and tasked the following Departments to establish regulations for the medical cannabis industry:
THREE KEY STATE AGENCIES

- **CA Department of Consumer Affairs:** to license transporters, distributors, dispensaries, and testing laboratories.
- **CA Department of Food and Agriculture:** to license cultivators and will also be responsible for implementing the track and trace program for plants from cultivation to sale.
- **CA Department of Public Health:** to license manufacturers of medical cannabis.
AND NOW PROP 64
Adult Use of Marijuana Act (AUMA)

Legalizes marijuana under state law, for use by adults 21 or older. Imposes state taxes on sales and cultivation. Provides for industry licensing and establishes standards for marijuana products. Allows local regulation and taxation. Fiscal Impact: Additional tax revenues ranging from high hundreds of millions of dollars to over $1 billion annually, mostly dedicated to specific purposes. Reduced criminal justice costs of tens of millions of dollars annually.
SOME CHALLENGES
WHAT’S IN PLAY?

• BUDGET TRAILER LANGUAGE TO RECONCILE/HARMONIZE MCRSA

Due JUNE 15, 2107

• COMMENTS ON THREE PART REGULATORY PACKET

Due MAY 12, 2017

• MULTIPLE BILLS
IN-HOME RESTAURANTS
a new trend in the sharing economy
Josephine is one of many start-ups
THIS IS WHAT THEY PROMISE
THIS IS WHAT EH FEARS
CCDEH Executive Committee sets parameters on AB 626

California Conference of Directors of Environmental Health Executive Committee – February 2107 Position Statement – Home Kitchen Operations
CCDEH opposes the inclusion of home incubator kitchens in the California Retail Food Code unless they are permitted as other home-based food facilities (e.g. Restricted Food Service Operations) and include adequate public health safety considerations and local control.
• All local business license, land use and zoning requirements are fully satisfied;

• Local governing bodies retain full discretion to allow or not allow such home kitchen operations;

• A maximum revenue income limit established at a level to ensure that such food operations are intended to serve as incubators or income augmentation and NOT to guarantee a living wage income that may result in the circumvention of the current and necessary commercial retail food safety requirements; • A maximum number of meals to be prepared based on food preparation capacity (refrigeration storage, food storage, food preparation areas) that is prepared and provided for same day consumption and limited to direct sales only;
• Assurance of strict liability for all engaged parties, including third-party intermediaries;

• Inclusion of additional food safety requirements, including but not limited to permitting and inspections, plan check approval, and food handler training;

• Consider the role of third party intermediaries (i.e. website platforms) to include permitting and data sharing to assist with the investigations of consumer complaints, foodborne illness outbreaks and recalls;

• Ability to inspect, investigate, and take enforcement when necessary to assure compliance with requirements; and

• Ability to recover costs for the inspection and enforcement of home kitchen operations.
CATERING, FOOD TASTING AND DELIVERIES

CRFSC and CCDEH are grappling with several issues around definition of catering, host sites for public catered events and food deliveries. Options include:

• Define catering
• Follow San Diego Model for “Host Facility” permits
• Require oversight or food handler training for food deliveries and
FOOD DIVERSION
Feeding the hungry and conserving resources
Food Access and Nutrition Nexus

That food insecurity and obesity can co-exist and are significantly associated in some studies does not necessarily mean they are causally linked to each other. Both food insecurity and obesity can be independent consequences of low income and the resulting lack of access to enough nutritious food or stresses of poverty.

Food Research and Action Center, Sept. 2105
In the US, each household produces 48 tons of greenhouse gases.
ACTION!

- CCDEH and PHI Collaboration on CA Endowment Grant to establish food diversion BMPs and train local EH
- Support three key food diversion bills: AB 1219; AB 954 and SB 557
- Consider redefining “re-serving” food under CalCode
- Consider providing a pathway for homeless feeding by public
2017 FOOD DIVERSION LEGISLATION

- **AB 954 (Chu)** Directs two state departments (CDFA and CDPH) to publish guidelines to encourage food processors, manufacturers and retailers to voluntary use uniform quality dates and safety dates on food product labels: **SUPPORT**

- **AB 1219 (Eggman)** Expands federal Good Samaritan Law in California to include gleaners and requires inclusion of liability indemnification on retail food inspection report: **SUPPORT if amended to remove information on inspection report**
2017 FOOD DIVERSION LEGISLATION continued

- SB 557 (Hernandez) School Food Donations.
  Allows for schools to establish food sharing tables and allows for certain foods on shared tables to be donated to a food bank or charitable provided temperature controls are maintained. SUPPORT
SHOULD WE (RE)DEFINE “SERVING/RE-SERVING” FOOD UNDER CALCODE?

Consumer self-service operations w/maintained proper food safety protocols
- staff-served buffets
- untouched servings
- beverages and other foods still in serving containers
- non potentially hazardous food that has remained covered/protected from contamination (bread baskets)
WHAT SHOULD WE DO TO ENSURE PUBLIC FEEDING OF HOMELESS IS SAFE?

- Register with EH
- Establish BMPs
- Limit times and places for public to provide food
- Ensure clean-up and removal of uneaten food
Questions?

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