

AMENDED IN ASSEMBLY MAY 2, 2017

AMENDED IN ASSEMBLY APRIL 6, 2017

AMENDED IN ASSEMBLY MARCH 23, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

**ASSEMBLY BILL**

**No. 626**

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**Introduced by Assembly Members Eduardo Garcia and Arambula**

February 14, 2017

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An act to amend Sections 113789, 114101, ~~114130~~, 114285, and 114390 of, to add Section 113825 to, and to add Chapter 11.6 (commencing with Section 114367) to Part 7 of Division 104 of, the Health and Safety Code, relating to the California Retail Food Code.

LEGISLATIVE COUNSEL'S DIGEST

AB 626, as amended, Eduardo Garcia. California Retail Food Code: microenterprise home kitchen operations.

Existing law, the California Retail Food Code, establishes uniform health and sanitation standards for retail food facilities for regulation by the State Department of Public Health, and requires local health agencies to enforce these provisions. Existing law defines "food facility" as an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level, as specified. Existing law exempts, among others, a private home, including a registered or permitted cottage food operation, from the definition of food facility. A violation of any provision of the California Retail Food Code or regulation adopted pursuant to it is generally a misdemeanor.

This bill ~~would repeal the exemption of a private home from the definition of a food facility.~~ This bill would, among other things, include a microenterprise home kitchen operation within the definition of a

food facility, and would define a microenterprise home kitchen operation to mean a food facility that is operated by a resident of a private home where food is prepared for a consumer and that meets specified requirements, including, among others, that the operation has no more than one full-time equivalent food employee and has no more than \$50,000 in verifiable gross annual sales. *The bill would specify that a city or county, or city and county, shall have full discretion to authorize, by ordinance or resolution, the permitting of microenterprise home kitchen operations in accordance with the provisions of this bill.* The bill would require a microenterprise home kitchen operation to be considered a restricted food service facility for purposes of certain provisions of the code, except as otherwise provided. The bill would require the applicant for a permit to operate a microenterprise home kitchen operation to submit to the enforcement agency written standard operating procedures that include specified information, including all food products that will be handled and the days and time that the home kitchen will be utilized as a microenterprise home kitchen operation.

~~The~~  
*The bill would require a 3rd-party intermediary that lists or promotes a microenterprise home kitchen operation on its Internet Web site or mobile application, among other things, to be registered with the department and specified local enforcement agencies and to only list and promote microenterprise home kitchen operations with permits in good standing. The bill would make a permitted microenterprise home kitchen operation and any affiliated 3rd-party intermediary strictly liable for any personal injury resulting from the ordering or consuming of food from a microenterprise home kitchen operation. The bill would also make conforming changes and related findings and declarations.*

~~By imposing duties on local officials and~~ creating a new crime, the bill would impose 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.~~

*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 no reimbursement is required by this act for a specified reason.*

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. (a) The Legislature finds and declares all of the  
2 following:
- 3 (1) California is the largest agricultural producer and exporter  
4 in the United States.
- 5 (2) California is home to the “farm-to-table” movement, which  
6 embraces the idea that restaurants and other food sellers should  
7 prioritize locally and sustainably produced foods.
- 8 (3) Many cities have embraced the idea of locally grown,  
9 produced, and prepared foods. Sacramento, for example,  
10 proclaimed itself the farm-to-fork capital of America.
- 11 (4) Accordingly, Californians have shown a preference for  
12 supporting local agriculture and local business and for finding  
13 sustainable solutions to food insecurity.
- 14 (5) The retail and commercial food market is an integral part  
15 of California’s economy.
- 16 (6) Small-scale, home-cooking operations can create significant  
17 economic opportunities for Californians that need them most —  
18 often women, immigrants, and people of color.
- 19 (7) Under existing law, individuals can sell food through retail  
20 food facilities or cottage food operations, the latter of which being  
21 limited to a restricted list that primarily consists of nonperishable  
22 food items that can be prepared in the home. Both of these options  
23 make it difficult for the vast majority of home cooks to  
24 independently benefit from their labor, skills, and limited resources.
- 25 (8) Because the bar for entry to restaurant ownership is high,  
26 and the cost of renting a retail kitchen is so great, an informal  
27 economy of locally produced and prepared hot foods exists in the  
28 form of meal preparation services, food carts, and communally  
29 shared meals.

1 (9) However, due to a lack of appropriate regulations, many  
2 experienced cooks in California are unable to legally participate  
3 in the locally prepared food economy and to earn an income legally  
4 therein.

5 (10) As a result, and because they feel they have no other option,  
6 thousands of private chefs, home caterers, and many other food  
7 microentrepreneurs cook out of private homes or unlicensed food  
8 facilities, with little access to education for best practices or safety  
9 guidelines.

10 (11) Many of these cooks are unable to enter the traditional food  
11 economy based on disability, family responsibilities, or lack of  
12 opportunity.

13 (12) Under existing law, preparing and selling food from a home  
14 kitchen normally can be treated as a criminal act and may be  
15 punishable as a misdemeanor.

16 (13) Therefore, the Legislature should create a framework that  
17 authorizes the safe preparation and sale of meals prepared in home  
18 kitchens, providing adequate regulations and requirements for food  
19 handling and safety.

20 (14) Providing guidelines, training, and safety resources to home  
21 cooks would also increase public health safeguards in existing  
22 informal food economies.

23 (15) The exchange of home-cooked food can also improve  
24 access to healthy foods for communities, particularly in food  
25 deserts with severely limited options.

26 (16) The California Retail Food Code establishes health and  
27 sanitation standards for retail food facilities. That law exempts  
28 private homes from the definition of a food facility and includes  
29 cottage food operations in that exemption.

30 (b) It is the intent of the Legislature that this act authorize the  
31 use of home kitchens for small-scale, direct food sales by home  
32 cooks to consumers, providing appropriate flexibility in food types  
33 and appropriate health and sanitation standards.

34 SEC. 2. Section 113789 of the Health and Safety Code is  
35 amended to read:

36 113789. (a) "Food facility" means an operation that stores,  
37 prepares, packages, serves, vends, or otherwise provides food for  
38 human consumption at the retail level, including, but not limited  
39 to, the following:

- 1 (1) An operation where food is consumed on or off the premises,  
2 regardless of whether there is a charge for the food.
- 3 (2) A place used in conjunction with the operations described  
4 in this subdivision, including, but not limited to, storage facilities  
5 for food-related utensils, equipment, and materials.
- 6 (b) “Food facility” includes permanent and nonpermanent food  
7 facilities, including, but not limited to, the following:
- 8 (1) Public and private school cafeterias.  
9 (2) Restricted food service facilities.  
10 (3) Licensed health care facilities, except as provided in  
11 paragraph (12) of subdivision (c).  
12 (4) Commissaries.  
13 (5) Mobile food facilities.  
14 (6) Mobile support units.  
15 (7) Temporary food facilities.  
16 (8) Vending machines.  
17 (9) Certified farmers’ markets, for purposes of permitting and  
18 enforcement pursuant to Section 114370.  
19 (10) Farm stands, for purposes of permitting and enforcement  
20 pursuant to Section 114375.  
21 (11) Fishermen’s markets.  
22 (12) Microenterprise home kitchen operations.
- 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, which includes a cottage food operation*  
27 *that is registered or has a permit pursuant to Section ~~114365.~~*  
28 *114365, but does not include a microenterprise home kitchen*  
29 *operation that has a permit issued pursuant to Section 114367.2.*  
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, or premises

1 set aside by a beer manufacturer, as defined in Section 25000.2 of  
2 the Business and Professions Code, and in the regulations adopted  
3 pursuant to those sections, that comply with Section 118375,  
4 regardless of whether there is a charge for the wine or beer tasting,  
5 if no other beverage, except for bottles of wine or beer and  
6 prepackaged nonpotentially hazardous beverages, is offered for  
7 sale or for onsite consumption and no food, except for crackers,  
8 pretzels, or prepackaged food that is not potentially hazardous  
9 food is offered for sale or for onsite consumption.

10 (6) An outlet or location, including, but not limited to, premises,  
11 operated by a producer, selling or offering for sale only whole  
12 produce grown by the producer or shell eggs, or both, provided  
13 the sales are conducted at an outlet or location controlled by the  
14 producer.

15 (7) A commercial food processing establishment, as defined in  
16 Section 111955.

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

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

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

21 (11) A residential care facility for the chronically ill, which has  
22 the same meaning as a residential care facility, as defined in Section  
23 1568.01.

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

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

31 (13) A community food producer, as defined in Section 113752.

32 SEC. 3. Section 113825 is added to the Health and Safety Code,  
33 to read:

34 113825. (a) "Microenterprise home kitchen operation" means  
35 a food facility that is operated by a resident in a private home  
36 where food is prepared for a consumer and meets all of the  
37 following requirements:

38 (1) The operation has no more than one full-time equivalent  
39 food employee, not including a family member or household  
40 member.

1 (2) Food is prepared, cooked, and served on the same day,  
2 picked up by the customer, or delivered within a safe time period  
3 based on holding equipment capacity.

4 (3) Food preparation does not involve processes that require a  
5 HACCP plan, as specified in Section 114419, or the production,  
6 service, or sale of raw milk or raw milk products, as defined in  
7 Section 11380 of Title 17 of the California Code of ~~Regulation.~~  
8 *Regulations.*

9 (4) The service and sale of raw oysters is prohibited.

10 (5) Food preparation is limited to no more than 30 individual  
11 meals per day, and no more than 60 individual meals per ~~week,~~  
12 ~~unless otherwise approved by the week.~~ *The local enforcement*  
13 *agency may decrease the limit of the number of individual meals*  
14 *prepared based on food preparation capacity of the ~~operation.~~*  
15 *operation, but shall not, in any case, increase the limit of the*  
16 *number of individual meals prepared.*

17 (6) The operation has no more than fifty thousand dollars  
18 (\$50,000) in verifiable gross annual sales.

19 (b) “Microenterprise home kitchen operation” does not include  
20 any of the following:

21 (1) A catering operation.

22 (2) A cottage food operation, as defined in Section 113758.

23 (3) An indirect sale.

24 SEC. 4. Section 114101 of the Health and Safety Code is  
25 amended to read:

26 114101. (a) Mechanical machine warewashing shall be  
27 accomplished by using an approved machine installed and operated  
28 in accordance with the manufacturer’s specifications.

29 (b) Soiled items to be cleaned in a warewashing machine shall  
30 be loaded in racks, trays, or baskets or onto conveyors in a position  
31 that exposes the items to the unobstructed spray during all cycles  
32 and allows the items to drain.

33 (c) The velocity, quantity, and distribution of the washwater,  
34 type, and concentration of detergent used therein, and the time the  
35 utensils are exposed to the water shall be sufficient to clean the  
36 utensils.

37 (d) Restricted food service facilities need not comply with  
38 Section 114130 if the domestic or commercial dishwasher utilized  
39 for warewashing is used in accordance with the manufacturer’s

1 specifications and achieves a utensil surface temperature of at least  
2 160°F.

3 ~~SEC. 5. Section 114130 of the Health and Safety Code is~~  
4 ~~amended to read:~~

5 ~~114130. (a) Equipment and utensils shall be designed and~~  
6 ~~constructed to be durable and to retain their characteristic qualities~~  
7 ~~under normal use conditions.~~

8 ~~(b) Except as specified in subdivision (c), all new and~~  
9 ~~replacement food-related and utensil-related equipment shall be~~  
10 ~~certified or classified for sanitation by an American National~~  
11 ~~Standards Institute (ANSI) accredited certification program. In the~~  
12 ~~absence of an applicable ANSI certified sanitation standard,~~  
13 ~~food-related and utensil-related equipment shall be evaluated for~~  
14 ~~approval by the enforcement agency.~~

15 ~~(c) Restricted food service facilities need not comply with~~  
16 ~~subdivision (b), depending on the extent of the food service~~  
17 ~~activities, and if the enforcement officer determines that the~~  
18 ~~equipment meets the characteristics of subdivision (a).~~

19 ~~(d) All new and replacement electrical appliances shall meet~~  
20 ~~applicable Underwriters Laboratories standards for electrical~~  
21 ~~equipment as determined by an ANSI accredited certification~~  
22 ~~program.~~

23 ~~(e) Notwithstanding subdivision (c), equipment for holding cold~~  
24 ~~and hot food in a restricted food service facility shall be sufficient~~  
25 ~~in number and capacity to ensure proper food temperature control.~~

26 ~~SEC. 6:~~

27 ~~SEC. 5. Section 114285 of the Health and Safety Code is~~  
28 ~~amended to read:~~

29 ~~114285. (a) Except as specified in subdivision (b), a private~~  
30 ~~home, a room used as living or sleeping quarters, or an area directly~~  
31 ~~opening into a room used as living or sleeping quarters shall not~~  
32 ~~be used for conducting food facility operations.~~

33 ~~(b) (1) Nonperishable, prepackaged food may be given away,~~  
34 ~~sold, or handled from a private home. No food that has exceeded~~  
35 ~~the labeled shelf life date recommended by the manufacturer shall~~  
36 ~~be deemed to be nonperishable food.~~

37 ~~(2) For purposes of this subdivision, “nonperishable food” means~~  
38 ~~a food that is not a potentially hazardous food, and that does not~~  
39 ~~show signs of spoiling, becoming rancid, or developing~~  
40 ~~objectionable odors during storage at ambient temperatures.~~

1 (c) Restricted food service facilities and microenterprise home  
2 kitchen operations are exempt from subdivision (a) provided that  
3 no sleeping accommodations shall be allowed in any area where  
4 food is prepared or stored.

5 ~~SEC. 7.~~

6 SEC. 6. Chapter 11.6 (commencing with Section 114367) is  
7 added to Part 7 of Division 104 of the Health and Safety Code, to  
8 read:

9

10 CHAPTER 11.6. MICROENTERPRISE HOME KITCHEN-ENTERPRISE  
11 OPERATION  
12

13 *114367. A city or county, or city and county, shall have full*  
14 *discretion to authorize, by ordinance or resolution, the permitting*  
15 *of microenterprise home kitchen operations in accordance with*  
16 *this chapter.*

17 ~~114367.~~

18 *114367.1.* (a) A microenterprise home kitchen operation, as  
19 defined in Section 113825, shall be considered a restricted food  
20 service facility for purposes of, and subject to all applicable  
21 requirements of, Chapter 1 (commencing with Section 113700) to  
22 Chapter-8 9 (commencing with Section-114250), *114265*),  
23 inclusive, Chapter 12.6 (commencing with Section 114377), and  
24 Chapter 13 (commencing with Section 114380), except as  
25 otherwise provided in this chapter.

26 (b) A microenterprise home kitchen operation shall be exempt  
27 from all of the following provisions:

28 (1) Handwashing sign posting requirements, as specified in  
29 Section 113953.5.

30 (2) Handwashing facilities requirements, as required in Section  
31 113953, provided that a handwashing sink is supplied with warm  
32 water and located in the toilet room and supplied, as specified in  
33 Section 113953.2.

34 (3) Installing a three-compartment sink, as required in Section  
35 114099, provided that a two-compartment sink is available and  
36 used, as specified in Section 114099.3.

37 (4) Installing a food preparation sink, as required in Section  
38 114163, provided that produce is washed, as specified in Section  
39 113992.

1 (c) Any individual who is involved in the preparation, storage,  
2 or service of food in a microenterprise home kitchen operation  
3 shall be subject to the food handler card requirements specified in  
4 Section 113948.

5 ~~114367.5.~~

6 114367.2. (a) A microenterprise home kitchen operation *in a*  
7 *city or county, or city and county, that has authorized the*  
8 *permitting of such an operation* shall not be open for business  
9 unless it is operating under a permit issued from the local  
10 enforcement agency in a manner approved by the local enforcement  
11 agency.

12 (b) The applicant shall submit to the local enforcement agency  
13 written standard operating procedures that include all of the  
14 following information:

15 (1) All food products that will be handled.

16 (2) The proposed procedures and methods of food preparation  
17 and handling.

18 (3) Procedures, methods, and schedules for cleaning utensils,  
19 equipment, and for the disposal of refuse.

20 (4) How food will be maintained at the required holding  
21 ~~temperatures~~ *temperatures*, as specified in Section 113996, pending  
22 pickup by consumer or during delivery.

23 (5) Days and times that the home kitchen will be utilized as a  
24 microenterprise home kitchen operation.

25 (c) (1) For purposes of permitting, the permitted area includes  
26 the home kitchen, onsite customer eating area, food storage,  
27 utensils and equipment, toilet room, janitorial or cleaning facilities,  
28 and refuse storage area. Food operations shall not be conducted  
29 outside of the permitted areas.

30 ~~(d) (1)~~

31 (2) For purposes of determining compliance with this ~~chapter,~~  
32 *part*, a representative of a local enforcement agency, for inspection  
33 purposes, may access the permitted area of a private home where  
34 a food operation is being conducted. Access is limited to the  
35 permitted areas and solely for the purpose of enforcing or  
36 administering this part.

37 ~~(2) A representative of a local enforcement agency may inspect~~  
38 ~~a microenterprise home kitchen operation on the basis of a~~  
39 ~~consumer complaint, reason to suspect that adulterated or otherwise~~

1 ~~unsafe food has been produced by the operation, or that the~~  
2 ~~operation has violated this part.~~

3 *(d) A local enforcement agency in a city or county, or city and*  
4 *county, that has authorized the permitting of microenterprise home*  
5 *kitchen operations may issue a permit pursuant to this section after*  
6 *it has determined all of the following:*

7 *(1) After an initial inspection, the proposed microenterprise*  
8 *home kitchen operation and its method of operation conform to*  
9 *this part.*

10 *(2) All local building, business, land use, zoning, and fire safety*  
11 *requirements are fully satisfied.*

12 *114367.3. (a) A person delivering food on behalf of a*  
13 *microenterprise home kitchen operation with a permit issued*  
14 *pursuant to Section 114367.2 shall be an employee of the operation*  
15 *or a family member or household member of the permitholder,*  
16 *and shall have a valid driver's license.*

17 *(b) The microenterprise home kitchen operation shall keep on*  
18 *file a copy of the valid driver's license of a person delivering food*  
19 *on behalf of the operation.*

20 *114367.4. A local enforcement agency in a city or county, or*  
21 *city and county, that has authorized the permitting of*  
22 *microenterprise home kitchen operations may seek recovery of a*  
23 *fee from a microenterprise home kitchen operation of an amount*  
24 *that does not exceed the local enforcement agency's reasonable*  
25 *costs of inspection and enforcement of this part.*

26 *114367.5. (a) A third-party intermediary that lists or promotes*  
27 *a microenterprise home kitchen operation on its Internet Web site*  
28 *or mobile application shall meet all of the following requirements:*

29 *(1) Be registered with the department and any local enforcement*  
30 *agency that has jurisdiction over a microenterprise home kitchen*  
31 *operation that is listed or promoted on the third-party*  
32 *intermediary's Internet Web site or mobile application.*

33 *(2) Make available to the consumer a photo of the delivery*  
34 *person when there is a delivery of food from the microenterprise*  
35 *home kitchen operation to the consumer.*

36 *(3) Only list and promote microenterprise home kitchen*  
37 *operations with permits that are issued pursuant to Section*  
38 *114367.2 and are in good standing. A microenterprise home*  
39 *kitchen operation shall notify each affiliated third-party*  
40 *intermediary if its permit has been suspended or revoked.*

1 (4) Cooperate with local enforcement officials with the  
2 investigation of consumer complaints, foodborne illness outbreaks,  
3 and food recalls.

4 (b) A third-party intermediary registered pursuant to subdivision  
5 (a) shall not do either of the following:

6 (1) Require an affiliated microenterprise home kitchen operation  
7 to be open certain days of the week or a certain number of hours  
8 each day.

9 (2) Require an affiliated microenterprise home kitchen operation  
10 to prepare certain food items or meals.

11 114367.6. A microenterprise home kitchen operation that has  
12 a permit pursuant to Section 114367.2 and any affiliated  
13 third-party intermediary shall be strictly liable for any personal  
14 injury resulting from the ordering or consuming of food from a  
15 microenterprise home kitchen operation.

16 ~~SEC. 8.~~

17 SEC. 7. Section 114390 of the Health and Safety Code is  
18 amended to read:

19 114390. (a) Enforcement officers shall enforce this part and  
20 all regulations adopted pursuant to this part.

21 (b) (1) For purposes of enforcement, any authorized  
22 enforcement officer may, during the facility’s hours of operation  
23 and other reasonable times, enter, inspect, issue citations to, and  
24 secure any sample, photographs, or other evidence from a food  
25 facility, cottage food operation, or any facility suspected of being  
26 a food facility or cottage food operation, or a vehicle transporting  
27 food to or from a retail food facility, when the vehicle is stationary  
28 at an agricultural inspection station, a border crossing, or at any  
29 food facility under the jurisdiction of the enforcement agency, or  
30 upon the request of an incident commander.

31 (2) If a food facility is operating under an HACCP plan, the  
32 enforcement officer may, for the purpose of determining  
33 compliance with the plan, secure as evidence any documents, or  
34 copies of documents, relating to the facility’s adherence to the  
35 HACCP plan. Inspection may, for the purpose of determining  
36 compliance with this part, include any record, file, paper, process,  
37 HACCP plan, invoice, or receipt bearing on whether food,  
38 equipment, or utensils are in violation of this part.

39 (3) The enforcement officer may, for the purpose of determining  
40 compliance with the gross annual sales requirements for operating

1 a microenterprise home kitchen operation or a cottage food  
2 operation, require those operations to provide copies of documents  
3 related to determining gross annual sales.

4 (c) Notwithstanding subdivision (a), an employee may refuse  
5 entry to an enforcement officer who is unable to present official  
6 identification showing the enforcement officer's picture and  
7 enforcement agency name. In the absence of the identification  
8 card, a business card showing the enforcement agency's name plus  
9 a picture identification card such as a driver's license shall meet  
10 this requirement.

11 (d) It is a violation of this part for any person to refuse to permit  
12 entry or inspection, the taking of samples or other evidence, access  
13 to copy any record as authorized by this part, to conceal any  
14 samples or evidence, withhold evidence concerning them, or  
15 interfere with the performance of the duties of an enforcement  
16 officer, including making verbal or physical threats or sexual or  
17 discriminatory harassment.

18 (e) A written report of the inspection shall be made, and a copy  
19 shall be supplied or mailed to the owner, manager, or operator of  
20 the food facility.

21 ~~SEC. 9. No reimbursement is required by this act pursuant to~~  
22 ~~Section 6 of Article XIII B of the California Constitution for certain~~  
23 ~~costs that may be incurred by a local agency or school district~~  
24 ~~because, in that regard, this act creates a new crime or infraction,~~  
25 ~~eliminates a crime or infraction, or changes the penalty for a crime~~  
26 ~~or infraction, within the meaning of Section 17556 of the~~  
27 ~~Government Code, or changes the definition of a crime within the~~  
28 ~~meaning of Section 6 of Article XIII B of the California~~  
29 ~~Constitution.~~

30 ~~However, if the Commission on State Mandates determines that~~  
31 ~~this act contains other costs mandated by the state, reimbursement~~  
32 ~~to local agencies and school districts for those costs shall be made~~  
33 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
34 ~~4 of Title 2 of the Government Code.~~

35 *SEC. 8. No reimbursement is required by this act pursuant to*  
36 *Section 6 of Article XIII B of the California Constitution because*  
37 *the only costs that may be incurred by a local agency or school*  
38 *district will be incurred because this act creates a new crime or*  
39 *infraction, eliminates a crime or infraction, or changes the penalty*  
40 *for a crime or infraction, within the meaning of Section 17556 of*

- 1 *the Government Code, or changes the definition of a crime within*
- 2 *the meaning of Section 6 of Article XIII B of the California*
- 3 *Constitution.*

O