



## SB-1419 Food Desert Elimination Grant Program. (2023-2024)

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ENROLLED SEPTEMBER 05, 2024

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PASSED IN ASSEMBLY AUGUST 30, 2024

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CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

### SENATE BILL

**NO. 1419**

**Introduced by Senator Rubio**

**(Coauthors: Senators Alvarado-Gil, Ashby, Hurtado, and Wahab)**

**(Coauthors: Assembly Members Lackey and Villapudua)**

**February 16, 2024**

An act to add and repeal Chapter 15 (commencing with Section 49030) of Division 17 of the Food and Agricultural Code, relating to food, and making an appropriation therefor.

### LEGISLATIVE COUNSEL'S DIGEST

SB 1419, Rubio. Food Desert Elimination Grant Program.

Existing law creates the Office of Farm to Fork within the Department of Food and Agriculture, and requires the office, to the extent that resources are available, to work with various entities, as prescribed, to increase the amount of agricultural products available to underserved communities and schools in the state. Existing law requires the office, among other things, to identify distribution barriers that affect limited food access and work to overcome those barriers through various actions and to coordinate with school districts and representatives to increase the nutritional profile of foods provided in schools.

This bill would create the Food Desert Elimination Grant Program under the administration of the department for the purpose of expanding access to healthy foods in food deserts, as defined, in the state, and areas at risk of becoming food deserts, by providing grants to grocery store operators, as specified. The bill would create the Food Desert Elimination Fund in the General Fund and would authorize the fund to be expended by the department, upon appropriation by the Legislature, for purposes of the program. The bill would authorize the department to collect nonstate, federal, and private funds, require those funds to be

deposited into the California Equitable Food Access Account within the Food Desert Elimination Fund, and continuously appropriate moneys in the account to the department for purposes of the program, thereby making an appropriation. The bill would authorize the department to award grants to grocery store operators seeking to locate grocery stores in food deserts and to award grants, totaling no more than 20% of the total program funding, to grocery store operators for equipment upgrades for grocery stores located in food deserts to expand or provide healthy foods for sale. The bill would authorize the department to adopt guidelines to implement these provisions. The bill would make the implementation of these provisions contingent upon an appropriation by the Legislature. The bill would repeal these provisions on December 31, 2030.

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: no

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## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** This act shall be known, and may be cited, as the Food Desert Elimination Act of 2024.

**SEC. 2.** Chapter 15 (commencing with Section 49030) is added to Division 17 of the Food and Agricultural Code, to read:

### **CHAPTER 15. Food Deserts**

#### **Article 1. General Provisions**

**49030.** Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

**49031.** “Department” means the Department of Food and Agriculture.

**49032.** “Food desert” means a food desert as determined by the Economic Research Service within the United States Department of Agriculture.

**49033.** “Grocery store” means a retail store in this state of over 15,000 square feet that is a retail seller of groceries, as described in Code 445110 of the North American Industry Classification System (NAICS) published by the United States Office of Management and Budget, 2022 edition.

**49033.5.** “Program” means the Food Desert Elimination Grant Program created pursuant to Section 49040.

**49034.** “Small-scale grocery store” means a retail store in this state of under 15,000 square feet that is a retail seller of groceries, as described in Code 445110 of the North American Industry Classification System (NAICS) published by the United States Office of Management and Budget, 2022 edition.

#### **Article 2. Food Desert Elimination Grant Program**

**49040.** (a) The Food Desert Elimination Grant Program is hereby created under the administration of the Department of Food and Agriculture for the purpose of expanding access to healthy foods in food deserts in the state, and areas at risk of becoming food deserts, by providing grants to grocery store operators.

(b) (1) The Food Desert Elimination Fund is hereby created in the General Fund and may be expended by the department, upon appropriation by the Legislature, for purposes of this article.

(2) The department may collect nonstate, federal, and private funds for purposes of this article, and those funds shall be deposited into the California Equitable Food Access Account, which is hereby created within the Food Desert Elimination Fund. Notwithstanding Section 13340 of the Government Code, moneys in the account shall be continuously appropriated without regard to fiscal years to the department for purposes of this article.

**49041.** The department may award a grant for one or more of the following purposes to a grocery store operator seeking to locate a grocery store in a food desert:

(a) A market and site feasibility study.

(b) Salaries and benefits to grocery store employees.

(c) Rents or downpayments to acquire a facility located in a food desert.

(d) Capital improvements, planning, renovations, land acquisition, demolition, and durable and nondurable equipment purchases.

(e) Other costs determined eligible by the department, including costs specified in federal funding program requirements.

**49042.** The department may award a grant to a grocery store operator for equipment upgrades for a grocery store located in a food desert for the purpose of expanding the grocery store or providing healthy foods for sale. The department shall use no more than 20 percent of the total program funding for this purpose.

**49043.** The department may, in its discretion, award a grant described in Section 49041 or 49042 to a small-scale grocery store.

**49044.** The department may use up to 10 percent of total program funding for technical assistance.

**49045.** On or before January 1, 2028, the department shall report the number of grants awarded under the program and the location of grant recipients to the relevant policy committees of the Legislature, in compliance with Section 9795 of the Government Code.

**49046.** The department may adopt guidelines to implement this article.

**49047.** The implementation of this article is contingent upon an appropriation for its purposes by the Legislature in the annual Budget Act or another act.

**49048.** This chapter shall remain in effect only until December 31, 2030, and as of that date is repealed.