

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

May 24, 2022

FROM

JOSHUA DUGAS, Director, Department of Public Health

SUBJECT

Resolution Authorizing the Department of Public Health, Environmental Health Services for Enforcement of Additional Food Facility Regulations

RECOMMENDATION(S)

Adopt **Resolution No. 2022-85** authorizing the Department of Public Health, Environmental Health Services to be the enforcement agency of additional food facility regulations, pursuant to Assembly Bill 1276, regarding single-use food-ware accessories or standard condiments provided to consumers by food facilities.

(Presenter: Joshua Dugas, Director, 387-9146)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Provide for the Safety, Health and Social Service Needs of County Residents.

FINANCIAL IMPACT

This item does not impact Discretionary General Funding (Net County Cost). The Department of Public Health will utilize existing staffing and resources to provide enforcement of these regulations during routine facility inspections. Costs associated with enforcement of these regulations will be covered by existing fees. Adequate appropriation and revenue have been included in the Department of Public Health's 2021-22 budget.

BACKGROUND INFORMATION

The San Bernardino County Code designates the Department of Public Health, Environmental Health Services (EHS) as the regulating agency for the administration and enforcement of all environment health services and related consumer protection programs in San Bernardino County, which include food facilities (Section 33.0101 to Chapter 1 of Division 3 of Title 3).

On October 5, 2021, the Governor signed Assembly Bill (AB) 1276 (amending Public Resource Code Section 42270-42273), which prohibits food facilities from providing single-use food-ware accessories or standard condiments to a consumer unless requested, and from bundling or packaging these items in a way that prohibits the consumer from taking only the item desired. In addition, AB 1276 requires: 1) food facilities with a drive-thru, food facilities located within a public use airport, and third-party food delivery platforms to ask the consumer if single-use utensils are needed; and 2) cities/counties to authorize an enforcement agency to enforce these requirements on or before June 1, 2022.

Adoption of this Resolution by the Board of Supervisors will authorize EHS, as previously established under San Bernardino County Code, to be the enforcement agency of the food

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facility regulations effective June 1, 2022. This state-mandated local program will require EHS to enforce these requirements, and will be made part of EHS Food Protection programs' routine food facility inspection process. Cost associated with enforcement of these requirements will be recouped through annual permit fees and any necessary follow-up inspections.

PROCUREMENT

N/A

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Adam Ebright, Deputy County Counsel, 387-5455) on May 3, 2022; Finance (Paul Garcia, Administrative Analyst, 386-8392) on May 3, 2022; and County Finance and Administration (Cheryl Adams, Deputy Executive Officer, 388-0238) on May 9, 2022.

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Record of Action of the Board of Supervisors
San Bernardino County

Public Comment: None

DEFERRED/APPROVED

Moved: Joe Baca, Jr. Seconded: Dawn Rowe
Ayes: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: May 24, 2022



cc: W/RESOLUTION
File- Public Health
LA 06/2/2022