



COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
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Agricultural Commissioner

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NEVADA COUNTY BOARD OF SUPERVISORS
Board Agenda Memo

MEETING DATE: September 27, 2022

TO: Board of Supervisors

FROM: **Amy Irani, Director of Environmental Health**

SUBJECT: Resolution authorizing the County of Nevada Environmental Health Department as the local enforcement agency (LEA) to enforce the requirements of AB 1276 (2021) – Single-Use Foodware Accessories and Standard Condiments.

RECOMMENDATION:

Adopt a Resolution authorizing the Nevada County Environmental Health Department (NCDEH), as the County's local enforcement agency (LEA), to enforce the requirements of AB 1276 governing the use of single-use foodware accessories and standard condiments, codified at Public Resources Code Sections 42270 to 42273.

FUNDING:

No net County cost will be incurred as a result of approval of this Resolution. The Environmental Health Department budget appropriated for all retail food facility inspections will be utilized for the implementation of AB 1276.

BACKGROUND:

On October 5, 2021, AB 1276 – Single-Use Foodware Accessories and Standard Condiments (AB1276) was signed into law and prohibits a food facility from providing any single-use foodware accessor or standard condiment to a consumer unless requested by the consumer. This legislation is codified in the California Public Resource Code, sections 42270 through 42273. AB1276 requires that a city or County authorizes an enforcement agency to enforce the requirements of the law. The NCDEH is Nevada County's local enforcement agency.

AB1276 requirements include authorizing a food facility to ask a drive-through customer if the customer wants a single-use foodware accessory in specified circumstances. AB1276 excludes this requirement for correctional institutions, health care facilities, residential care facilities and public and private school cafeterias from the limitations of single-use foodware accessories and standard condiments.

AB12176 does provide and specifies that enforcement action may be taken as noted in Public Resource Code section 42272(b): *The first and second violations of this chapter shall result in a notice of violation, and any subsequent violation shall constitute an infraction punishable by a*

fine of twenty-five dollars (\$25) for each day in violation, but not to exceed three hundred dollars (\$300) annually. It is the intent of the NCDEH to educate our operators of AB1276 when there is an observed or consumer complaint of violation of the law to gain compliance.

Item Initiated and Approved by: Amy Irani, Director of Environmental Health

Submittal Date: August 30, 2022

Revision Date: