

File No. 130386

Committee Item No. _____
Board Item No. 29

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date _____

Board of Supervisors Meeting

Date MAY 14, 2013

Cmte Board

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| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>CA Senate Bill No. 627</u> |
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Completed by: Lynne Howe Date 4/29/13
Completed by: _____ Date _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

1 [Urging the California State Senate to Pass Senate Bill 622]

2
3 **Resolution urging the California State Senate to Pass Senate Bill 622, which would levy**
4 **an excise tax of one cent (\$0.01) per fluid ounce on any beverage with added caloric**
5 **sweeteners, such as sodas, in order to fund activities to prevent childhood obesity.**

6
7 WHEREAS, Over the last 30-40 years, obesity rates in California have tripled and
8 today 38% of children and 62% of adults are either overweight or obese; and

9 WHEREAS, Obesity has long-term health implications including increasing the risk of
10 diabetes, heart disease, arthritis, asthma, and some forms of cancer; and

11 WHEREAS, Obesity and physical inactivity is estimated to cost California \$52 billion
12 annually in health care costs and lost productivity; and

13 WHEREAS, On average, Americans drink 45 gallons of sugary drinks which contain 39
14 pounds of sugar each year; and

15 WHEREAS, The average American consumes almost 300 more calories per day than
16 they did in the 1970s and 43% of those additional calories come from sugar sweetened
17 beverages; and

18 WHEREAS, Sugary beverages and fruit drinks together are the largest source of daily
19 calories for children ages 2-18; and

20 WHEREAS, Sugary drinks are heavily marketed, especially to children, often using
21 celebrities, sports stars, and cartoon characters; and

22 WHEREAS, Every additional daily serving of soda increases a child's risk for childhood
23 obesity by 60 percent; and

1 WHEREAS, If current obesity trends are not reversed, it is predicted that one in three
2 children and nearly half of Latino and African American children born in the year 2000 will
3 develop type 2 diabetes in their lifetime; and

4 WHEREAS, Sugary beverages are inexpensive, abundant, and high in calories without
5 providing significant nutritional value; and

6 WHEREAS, Senate Bill 622, on file with the Clerk of the Board of Supervisors in File
7 No. 130386, which is hereby declared to be a part of this resolution as if set forth fully herein,
8 would levy an excise tax of one cent (\$0.01) per fluid ounce on any beverage with added
9 caloric sweeteners; and

10 WHEREAS, Senate Bill 622 would direct any money generated by the tax to create
11 childhood obesity prevention activities and programs for the State; and

12 WHEREAS, Taxing certain products to reduce consumption is a proven strategy as
13 evidenced by tobacco taxes; and

14 WHEREAS, Senate Bill 622 is responding to the preventable public health epidemic of
15 obesity, whose health care costs affect all Californians; now, therefore, be it

16 RESOLVED, That the San Francisco Board of Supervisors urges the California Senate
17 to pass Senate Bill 622, authored by Senator Bill Monning; and, be it

18 FURTHER RESOLVED, That the San Francisco Board of Supervisors hereby directs
19 the Clerk of the Board to send a copy of this resolution to the members of the Senate Health
20 Committee and Senator Bill Monning.

AMENDED IN SENATE APRIL 15, 2013

SENATE BILL

No. 622

Introduced by Senator Monning

February 22, 2013

An act to add Part 14.5 (commencing with Section 32600) to Division 2 of the Revenue and Taxation Code, relating to taxation.

LEGISLATIVE COUNSEL'S DIGEST

SB 622, as amended, Monning. Taxation: sweetened beverage tax: Children's Health Promotion Fund.

Existing law imposes various taxes, including taxes on the privilege of engaging in certain activities. The Fee Collection Procedures Law, the violation of which is a crime, provides procedures for the collection of certain fees and surcharges.

This bill would, on and after July 1, ~~2013~~ 2014, impose a tax on every distributor, as defined, for the privilege of distributing in this state bottled sweetened beverages, at a rate of \$0.01 per fluid ounce and for the privilege of distributing ~~concentrate~~ concentrates in this state, either as concentrate or as sweetened beverages derived from that concentrate, at the rate of \$0.01 per fluid ounce of sweetened beverage to be produced from concentrate. The tax would be administered by the State Board of Equalization and would be collected pursuant to the procedures set forth in the Fee Collection Procedures Law. This bill would exempt from the tax, among other things, the distribution in this state of bottled sweetened beverages or concentrate made by a distributor to another distributor registered with the board and supported by an exemption certificate that consists of a statement signed under penalty of perjury.

By expanding the definition of the existing crime of perjury and by expanding the application of the Fee Collection Procedures Law, the

violation of which is a crime, this bill imposes a state-mandated local program.

The bill would require the board to deposit all taxes, penalties, and interest collected, less refunds and administrative costs, in the Children's Health Promotion Fund, which this bill would create. This bill would require all moneys in the fund, upon appropriation by the Legislature, to be allocated to the State Department of Public Health and Superintendent of Public Instruction, as specified, for the purposes of statewide childhood obesity prevention activities and programs. This bill would also authorize the ~~Director of the State Department of Public Health~~ *State Public Health Officer* and the Superintendent of Public Instruction to make rules and regulations, and provide procedural measures, to bring into effect those purposes.

This bill would make legislative findings and declarations relating to the consumption of sweetened beverages, childhood obesity, and dental disease.

This bill would include a change in state statute that would result in a taxpayer paying a higher tax within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of $\frac{2}{3}$ of the membership of each house of the Legislature.

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: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:
3 (a) The prevalence of obesity in the United States has increased
4 dramatically over the past 30 years. From the 1960s to the late
5 1970s, the prevalence was relatively constant, with about 15
6 percent of the population classified as obese. After the 1970s, these
7 rates began to climb. ~~By 2006, 23.3 percent of Americans were~~
8 ~~considered obese.~~ In California, obesity rates have increased even
9 more, rising from 8.9 percent in 1984 to ~~25.5~~ 23.8 percent in ~~2010~~
10 2011. Although no group has escaped the epidemic, ~~ethnic~~

1 ~~minorities and the poor~~ *low income and communities of color* are
2 disproportionately affected.

3 (b) The rate of children who are overweight has also increased
4 dramatically in recent decades. After being relatively constant
5 from the 1960s to the 1970s, the prevalence of overweight children
6 has more than quadrupled among children between 6 and 11 years
7 of age and nearly tripled among those between 12 and 19 years of
8 age. *In California in 2010, 38 percent of children in grades 5, 7,
9 and 9 were overweight or obese. Thirty-one of California's 58
10 counties experienced an increase in childhood overweight from
11 2005 to 2010.*

12 (c) The obesity epidemic is of particular concern because obesity
13 increases the risk of diabetes, heart disease, certain types of cancer,
14 arthritis, asthma, and breathing problems. Depending on their level
15 of obesity, from 60 percent to over 80 percent of obese adults have
16 type 2 diabetes, high blood cholesterol, high blood pressure, or
17 other related conditions. It has been reported that up to 60 percent
18 of obese children 5 to 10 years of age have early signs of heart
19 disease.

20 (d) Type 2 diabetes, previously only seen among adults, is now
21 increasing among children. If the current obesity trends are not
22 reversed, it is predicted that one in three children and nearly
23 one-half of Latino and African American children born in the year
24 2000 will develop type 2 diabetes in their lifetime. Research shows
25 that overweight children have a much greater chance of being
26 obese as adults, with all the health risks that entails.

27 (e) Overweight and obesity account for \$147 billion in health
28 care costs nationally, or 9 percent of all medical spending – with
29 half these costs paid publicly through the Medicare and Medicaid
30 programs. *Medical costs associated with obesity are estimated at
31 \$147 billion; the medical costs for people who are obese are
32 dramatically higher than those of normal weight.*

33 (f) In 2006, overweight and obesity-related costs in California
34 were estimated at almost \$21 billion.

35 (g) There is overwhelming evidence of the link between obesity
36 and the consumption of sweetened beverages, such as soft drinks,
37 energy drinks, sweet teas, and sports drinks. California adults who
38 drink a soda or more per day are 27 percent more likely to be
39 overweight or obese, regardless of income or ethnicity.

1 (h) According to nutritional experts, sweetened beverages, such
2 as soft drinks, energy drinks, sweet teas, and sport drinks, offer
3 little or no nutritional value, but massive quantities of added sugars.
4 ~~For example, a 20-ounce bottle of soda contains the equivalent~~
5 ~~of approximately 17 16 teaspoons of sugar. Yet, the American~~
6 ~~Heart Association recommends that Americans consume no more~~
7 ~~than five to nine teaspoons of sugar per day.~~

8 (i) Research shows that almost one-half of the extra calories
9 Americans have been consuming since the 1970s could come from
10 soda, with the average American drinking nearly 50 gallons of
11 sweetened beverages a year, the equivalent of 39 pounds of extra
12 sugar every year.

13 *(j) Though sugar sweetened beverage consumption is declining*
14 *slightly as people learn about their harmful health effects,*
15 *Americans are drinking more sweetened beverages than ever*
16 *before. From 1977 to 2002, Americans doubled the amount of*
17 *sweetened beverages they consumed. Currently, children and adult*
18 *Americans consume 172 and 175 calories respectively from*
19 *sweetened beverages a day, still consuming twice as much of these*
20 *products as they did in the 1970's. Children and adolescents*
21 *consume 173 calories per day of sugary drinks; adults consume*
22 *178 calories per day of sugary drinks.* Children and adolescents
23 ~~now~~ consume 10 to 15 percent of their daily caloric intake from
24 sweetened beverages.

25 (k) Research shows that 41 percent of California children 2 to
26 11 years of age and 62 percent of California teens 12 to 17 years
27 of age drink soda daily, and for every additional serving of
28 sweetened beverage that a child consumes a day, the likelihood of
29 the child becoming obese increases by 60 percent.

30 *(l) Sugary drinks are a unique contributor to excess caloric*
31 *consumption. A large body of research shows that calories from*
32 *sugary drinks do not satisfy hunger the way calories from solid*
33 *food or fat or protein-containing beverages such as those*
34 *containing milk and plant-based proteins. As a result, sugary*
35 *beverages tend to add to the calories people consume rather than*
36 *replace them.*

37 ~~(n)~~
38 (m) Dental caries (tooth decay) ~~is~~ are the most common chronic
39 childhood disease, experienced by more than two-thirds of
40 California's children. Children who frequently or excessively

1 consume beverages high in sugar are at increased risk for dental
2 caries. Untreated dental caries can lead to pain, infection, tooth
3 loss, and in severe cases, even death. It can slow normal growth
4 and development by restricting nutritional intake. Children who
5 are missing teeth may have chewing problems that limit their food
6 choices and result in nutritionally inadequate diets.

7 (m)

8 (n) It is the intent of the Legislature, by adopting the Sweetened
9 Beverage Tax Law and creating the Children's Health Promotion
10 Fund, to diminish the human and economic costs of obesity and
11 dental disease in California. This act is intended to discourage
12 excessive consumption of sweetened beverages by increasing the
13 price of these products and by creating a dedicated revenue source
14 for health programs designed to prevent and treat childhood obesity
15 and dental disease and reduce the burden of attendant health
16 conditions.

17 SEC. 2. Part 14.5 (commencing with Section 32600) is added
18 to Division 2 of the Revenue and Taxation Code, to read:

19
20 PART 14.5. SWEETENED BEVERAGE TAX LAW

21
22 32600. This part shall be known and may be cited as the
23 Sweetened Beverage Tax Law.

24 32601. For purposes of this part:

25 (a) "Beverage container" means any closed or sealed container
26 regardless of size or shape, including, without limitation, those
27 made of glass, metal, paper, plastic, or any other material or
28 combination of materials.

29 (b) "Bottled sweetened beverage" means a sweetened beverage
30 contained in a beverage container.

31 (c) "Beverage dispensing machine" means a device that mixes
32 concentrate with any one or more other ingredients and dispenses
33 the resulting mixture into an open container as a ready-to-drink
34 beverage.

35 (d) "Caloric sweetener" means any caloric substance suitable
36 for human consumption that humans perceive as sweet and
37 includes, without limitation, sucrose, fructose, including high
38 fructose corn sweetener, glucose, other sugars, and fruit juice
39 concentrates. "Caloric" means a substance that adds calories to
40 the diet of a person who consumes that substance.

1 (e) "Concentrate" means a syrup, powder, or base product that
2 is used for mixing, compounding, or making sweetened beverages
3 in a beverage dispensing machine. For purposes of this part,
4 "concentrate" does not include any of the following:

5 (1) Any product that is solely used in preparing coffee or tea.

6 (2) Any product for consumption by infants and which is
7 commonly referred to as "infant formula."

8 (3) Any product for use for weight reduction.

9 (4) ~~Any product containing milk~~ *Milk* or milk products or plant
10 protein sources.

11 (5) Any frozen concentrate or freeze-dried concentrate to which
12 only water is added to produce a sweetened beverage containing
13 more than ~~10~~ 50 percent natural fruit juice or more than ~~10~~ 50
14 percent natural vegetable juice *or more than 50 percent combined*
15 *natural fruit juice and natural vegetable juice.*

16 (6) Any product that is sold and is intended to be used for the
17 purpose of an individual consumer mixing a sweetened beverage.

18 (7) Medical food.

19 (8) Any product to which no caloric sweeteners have been
20 added.

21 (f) "Consumer" means a person who purchases a bottled
22 sweetened beverage or concentrate for a purpose other than resale
23 in the ordinary course of business.

24 (g) "Distribution" includes:

25 (1) The sale of bottled sweetened beverages or concentrate to
26 a retailer.

27 (2) The receipt of untaxed bottled sweetened beverages or
28 concentrate in this state from an unregistered out-of-state distributor
29 by a retailer.

30 (3) *The retail sale of untaxed bottled sweetened beverages,*
31 *sweetened beverages, or concentrate in this state.*

32 (4) *The use or consumption of untaxed bottled sweetened*
33 *beverages or concentrate in this state by a distributor or retailer.*
34 *For purposes of this paragraph, "use or consumption" includes*
35 *the exercise of any right or power over bottled sweetened beverages*
36 *or concentrate incident to the ownership thereof, except that it*
37 *does not include the sale of that property or the keeping or*
38 *retention thereof by a distributor or retailer for the purpose of*
39 *sale.*

1 (h) "Distributor" means any person who makes a distribution
2 of bottled sweetened beverages, sweetened beverages, or
3 concentrate in the state, whether or not that person also sells these
4 products to consumers.

5 (i) "Medical food" means medical food as defined in Section
6 109971 of the Health and Safety Code.

7 (j) "Milk" means natural liquid milk, regardless of animal source
8 or butterfat content, natural milk concentrate, whether or not
9 reconstituted, regardless of animal source, plant source, or butterfat
10 content, or dehydrated natural milk, whether or not reconstituted
11 and regardless of animal source or butterfat content.

12 (k) "Natural fruit juice" means the original liquid resulting from
13 the pressing of fruit, the liquid resulting from the reconstitution of
14 natural fruit juice concentrate, or the liquid resulting from the
15 restoration of water to dehydrated natural fruit juice.

16 (l) "Natural vegetable juice" means the original liquid resulting
17 from the pressing of vegetables, the liquid resulting from the
18 reconstitution of natural vegetable juice concentrate, or the liquid
19 resulting from the restoration of water to dehydrated natural
20 vegetable juice.

21 (m) "Nonalcoholic beverage" means any beverage not subject
22 to tax under Part 14 (commencing with Section 32001).

23 (n) "Person" means an individual, trust, firm, joint stock
24 company, business concern, business trust, receiver, trustee,
25 syndicate, social club, fraternal organization, estate, corporation,
26 including, but not limited to, a government corporation, partnership,
27 limited liability company, and association or any other group or
28 combination acting as a unit. "Person" also includes any city,
29 county, city and county, district, commission, the state, or any
30 department, agency, or political subdivision thereof, any interstate
31 body, and the United States and its agencies and instrumentalities
32 to the extent permitted by law.

33 (o) "Powder" or "base product" means a solid *or liquid* mixture
34 of ingredients *with added caloric sweetener* used in making,
35 mixing, or compounding sweetened beverages by mixing the
36 powder or base product with any one or more other ingredients,
37 including, without limitation, water, ice, syrup, simple syrup, fruits,
38 vegetables, fruit juice, vegetable juice, or carbonation or other gas.

39 (p) "Retail sale" means the sale of bottled sweetened beverages
40 or sweetened beverages to a consumer.

1 (q) "Retailer" means any person who sells in this state ~~bottled~~
2 ~~sweetened beverages or~~ sweetened beverages to a consumer,
3 whether or not that person is also a distributor as defined in this
4 section.

5 (r) "Sale" means the transfer of title or possession for
6 consideration in any manner or by any means whatever.

7 (s) "Simple syrup" means a mixture of sugar and water.

8 (t) (1) "Sweetened beverage" means any sweetened
9 nonalcoholic beverage sold for human consumption that ~~contains~~
10 ~~any added caloric sweeteners,~~ *has caloric sweeteners and contains*
11 *more than 25 calories per 12 ounces,* including, but not limited
12 to, the following: soda water, ginger ale, root beer, all beverages
13 commonly referred to as cola, lime, lemon, lemon-lime, and other
14 flavored beverages, including any fruit or vegetable beverage
15 containing ~~10 percent or less than 50 percent~~ natural fruit juice or
16 natural vegetable juice *or combined natural fruit juice and natural*
17 *vegetable juice,* and all other drinks and beverages commonly
18 referred to as "soda," "soda pop," and "soft drinks," *"soft drinks,"*
19 *"sports drinks," "energy drinks," "juice drinks," "ice teas," and*
20 *"vitamin fortified waters."*

21 (2) "Sweetened beverage" does not include any of the following:

22 (A) Any product sold in liquid form for consumption by infants,
23 which is commonly referred to as ~~"infant formula,"~~ *formula" or*
24 *any product whose purpose is infant rehydration.*

25 (B) Any product sold in liquid form for use for weight reduction.

26 (C) Water, to which no caloric sweeteners have been added.

27 (D) Any product containing ~~milk~~ *Milk* or milk products or plant
28 protein sources.

29 (E) Medical food.

30 ~~(F) Coffee or tea.~~

31 *(F) Any sweetened beverage containing 50 percent or more of*
32 *natural fruit juice or natural vegetable juice or combined natural*
33 *fruit juice and natural vegetable juice.*

34 (u) "Syrup" means the liquid mixture of ingredients used in
35 making, mixing, or compounding sweetened beverages using one
36 or more other ingredients including, without limitation, water, ice,
37 a powder, simple syrup, fruits, vegetables, fruit juice, vegetable
38 juice, or carbonation or other gas.

1 32602. There is hereby imposed an excise tax on every
2 distributor for the privilege of distributing bottled sweetened
3 beverages and concentrate in the state, calculated as follows:

4 (a) The tax on bottled sweetened beverages distributed in this
5 state shall be one cent (\$0.01) per fluid ounce.

6 (b) The tax on ~~concentrate~~ *concentrates* distributed in this state
7 either as concentrate or as a sweetened beverage derived from that
8 concentrate, shall be equal to one cent (\$0.01) per fluid ounce of
9 sweetened beverage produced from that concentrate. For purposes
10 of calculating the tax for concentrate, the volume of sweetened
11 beverage to be produced from concentrate shall be the largest
12 volume resulting from use of the concentrate according to any
13 manufacturer's instructions.

14 32603. Each distributor shall include the following information
15 on each receipt, invoice, or other form of accounting for the
16 distribution of bottled sweetened beverages or concentrate:

17 (a) The name and address of the distributor.

18 (b) The name and address of the purchaser.

19 (c) The date of sale and invoice number.

20 (d) The kind, quantity, size, and capacity of packages of bottled
21 sweetened beverages, sweetened beverages, or concentrate sold.

22 (e) The amount of excise taxes due to the board from the
23 distributor on the sale of the bottled sweetened beverages or
24 concentrate.

25 (f) Any other information as required by the board.

26 32604. There is exempt from the taxes imposed by this part
27 the distribution of bottled sweetened beverages or concentrate
28 distributed by a distributor to:

29 (a) A distributor registered with the board under this part when
30 supported by a properly completed exemption certificate.

31 (b) To a person when, pursuant to the contract of sale, the bottled
32 sweetened beverages or concentrates are required to be shipped
33 and are shipped to a point outside of this state by the distributor
34 by means of any of the following:

35 (1) Facilities operated by the distributor.

36 (2) Delivery by the distributor to a carrier, customs broker, or
37 forwarding agent, whether hired by the purchaser or not, for
38 shipment to the out-of-state point.

1 (c) To a person where the state is prohibited from taxing that
2 sale, use, or consumption under the Constitution or laws of the
3 United States or under the Constitution of this state.

4 32605. The exemption certificate to be provided by a distributor
5 to another distributor as required by subdivision (a) of Section
6 32604 shall consist of a statement that is signed under penalty of
7 perjury by a person with authority to bind the distributor. The
8 certificate shall be dated and include the distributor's name and
9 account number. A new certificate shall be given if any information
10 in the current certificate changes. The certificate may be included
11 as part of any business records normally used to document a sale
12 or distribution.

13 32606. A distributor who has paid a tax, either directly to the
14 state or to another distributor registered under this part, and makes
15 a subsequent distribution of bottled sweetened beverages or
16 concentrate may claim a credit on its return for the period in which
17 the subsequent sale or distribution occurs.

18 32607. The board shall administer and collect the tax imposed
19 by this part pursuant to the Fee Collection Procedures Law (Part
20 30 (commencing with Section 55001)). For purposes of this part,
21 the references in the Fee Collection Procedures Law to "fee" shall
22 include the tax imposed by this part and references to "feepayer"
23 shall include a person required to pay the tax imposed by this part.

24 32608. (a) The board may prescribe, adopt, and enforce
25 regulations relating to the administration and enforcement of this
26 part, including, but not limited to, collections, reporting, refunds,
27 and appeals.

28 (b) The board may prescribe, adopt, and enforce any emergency
29 regulations as necessary to implement this part. Any emergency
30 regulation prescribed, adopted, or enforced pursuant to this section
31 shall be adopted in accordance with Chapter 3.5 (commencing
32 with Section 11340) of Part 1 of Division 3 of Title 2 of the
33 Government Code, and, for purposes of that chapter, including
34 Section 11349.6 of the Government Code, the adoption of the
35 regulation is an emergency and shall be considered by the Office
36 of Administrative Law as necessary for the immediate preservation
37 of the public peace, health and safety, and general welfare.

38 32609. The taxes imposed by this part are due and payable to
39 the board ~~quarterly~~ on or before the last day of the month ~~next~~
40 ~~succeeding each quarterly period~~ *following each calendar quarter.*

1 32610. (a) On or before the last day of the month following
2 each ~~quarterly period~~ *calendar quarter* of three months, a return
3 for the preceding ~~quarterly period~~ *calendar quarter* shall be filed
4 using electronic media with the board.

5 (b) The board may prescribe those forms and reporting
6 requirements as are necessary to implement the tax, including, but
7 not limited to, information regarding the total amount of bottled
8 sweetened beverages and concentrate sold and the amount of tax
9 due.

10 (c) Returns shall be authenticated in a form or pursuant to
11 methods as may be prescribed by the board.

12 32610.5. Every person required to pay the tax imposed under
13 this part shall register with the board. Every application for
14 registration shall be made upon a form prescribed by the board
15 and shall set forth the name under which the applicant transacts
16 or intends to transact business, the location of his or her place or
17 places of business, and such other information as the board may
18 require. An application for an account shall be authenticated in a
19 form or pursuant to methods as may be prescribed by the board.

20 32611. (a) There is hereby created a trust fund in the State
21 Treasury called the Children's Health Promotion Fund. The
22 Children's Health Promotion Fund shall consist of all taxes,
23 interest, penalties, and other amounts collected pursuant to this
24 part, less refunds and reimbursement to the board for expenses
25 incurred in the administration and collection of the tax.

26 (b) All moneys in the Children's Health Promotion Fund shall,
27 upon appropriation by the Legislature, be allocated for the purposes
28 of statewide childhood obesity prevention activities and programs
29 as follows:

30 (1) Twenty percent to the State Department of Public Health to
31 coordinate statewide childhood obesity prevention activities and
32 to fund state-level childhood obesity prevention and children's
33 dental programs. This funding shall support programs that use
34 educational, environmental, policy, and other public health
35 approaches that achieve the following goals: improve access to
36 and consumption of healthy, safe, and affordable foods and
37 beverages; reduce access to and consumption of calorie-dense,
38 nutrient-poor foods; encourage physical activity; decrease sedentary
39 behavior; and raise awareness about the importance of nutrition
40 and physical activity to childhood obesity prevention.

1 (2) Thirty-five percent for community-based childhood obesity
2 prevention programs. This funding shall support programs that
3 use educational, environmental, policy, and other public health
4 approaches that achieve the following goals: improve access to
5 and consumption of healthy, safe, and affordable foods and
6 beverages; reduce access to and consumption of calorie-dense,
7 nutrient-poor foods; encourage physical activity; decrease sedentary
8 behavior; and raise awareness about the importance of nutrition
9 and physical activity to childhood obesity prevention. The State
10 Department of Public Health shall be responsible for the
11 distribution of these funds to community-based organizations and
12 to local health departments, with priority given to counties that
13 have established childhood obesity prevention coalitions to build
14 political support for programs *the highest rates of childhood*
15 *obesity*.

16 (3) Ten percent to evidence-based prevention, early recognition,
17 monitoring, and weight management intervention activities in the
18 medical setting. The State Department of Public Health shall be
19 responsible for identifying activities and allocating these funds.

20 (4) Thirty-five percent to elementary and secondary schools for
21 educational, environmental, policy and other public health
22 approaches that promote nutrition and physical activity. The
23 approaches funded pursuant to this paragraph can include
24 improving or building school recreational facilities that are used
25 for recess and physical education; providing continuing education
26 training for physical education teachers; hiring qualified physical
27 education teachers; implementing Safe Routes to Schools
28 programs; improving the quality and nutrition of school breakfasts,
29 lunches, and snacks; ensuring free, clean drinking water access
30 throughout the schoolday; and incorporating practical nutrition
31 education into the curriculum. The Superintendent of Public
32 Instruction is responsible for the allocation and distribution of
33 these funds.

34 (c) All moneys in the Children's Health Promotion Fund shall
35 be expended only for the purposes expressed in this chapter, and
36 shall be used only to supplement existing levels of service and not
37 to supplant current federal, state, or local funding for existing levels
38 of service.

39 (d) The Director of the State Department of Public Health *State*
40 *Public Health Officer* and the Superintendent of Public Instruction

1 are hereby authorized to make such rules and regulations, and
2 provide such procedural measures, as shall bring into effect the
3 purposes of this section. The rules and regulations may provide
4 for specific programs to be funded consistent with the allocation
5 of funds set forth above.

6 32612. This part shall become operative on July 1, ~~2013~~ 2014.

7 SEC. 3. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 the only costs that may be incurred by a local agency or school
10 district will be incurred because this act creates a new crime or
11 infraction, eliminates a crime or infraction, or changes the penalty
12 for a crime or infraction, within the meaning of Section 17556 of
13 the Government Code, or changes the definition of a crime within
14 the meaning of Section 6 of Article XIII B of the California
15 Constitution.

O

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee.
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative

Sponsor(s):

Campos, Avalos, Mar, Kim

Subject:

Urging the California State Senate to Pass Senate Bill 622

The text is listed below or attached:

[Empty box for text listing]

Signature of Sponsoring Supervisor:

For Clerk's Use Only:

130386

