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May 14, 2019

Karen L. Smith, MD, MPH  
Director and State Public Health Officer  
California Department of Public Health  
1615 Capitol Avenue  
PO Box 997377, MS 0500  
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#### Re: AB 764 (Bonta): Sugar-sweetened beverages: nonsale distribution incentives

Dear Dr. Smith:

The California Conference of Local Health Officers (CCLHO) voted at the CCLHO Board meeting on May 1, 2019 to take a Support recommendation on AB 764 (Bonta), a bill that would regulate promotion and marketing activities related to sugar-sweetened beverages by prohibiting a beverage company, as defined, manufacturer, or distributor, as defined, from giving or offering incentives or other financial support to compensate distributors or retailers for the cost of promotional offers, coupons, or other incentives offered to consumers for branded products of the beverage company. The bill would authorize local governments and the Attorney General to impose civil penalties for a violation of that prohibition, as specified.

This bill would state the intent of the Legislature that these provisions not be construed to preempt or prohibit the adoption and implementation of local ordinances that are more restrictive of promotion and marketing activities related to sugar-sweetened beverages. The bill would state that these provisions do not preempt or prohibit the adoption and implementation of local ordinances related to promotional and marketing activities for sugar-sweetened beverages that are not inconsistent with these requirements, including ordinances that impose additional or more restrictive requirements on those activities. For these reasons, CCLHO recommends a support position on AB 764.

CCLHO was established in statute in 1947 to advise the California Department of Health Services (now California Department of Public Health), other departments, boards, commissions, and officials of federal, state and local agencies, the Legislature and other organizations on all matters affecting health. CCLHO membership consists of all legally appointed physician health officers in California's 61 city and county jurisdictions.

Should you have any questions, please contact me by email at [roldham@placer.ca.gov](mailto:roldham@placer.ca.gov) or by phone at (530) 745-3121. Thank you.

Sincerely,

Robert L. Oldham, MD, MSHA  
President, California Conference of Local Health Officers