

**ORDINANCE NO. \_\_\_\_\_**

An ordinance adding Article 2-72TT to Chapter XX of the Los Angeles Municipal Code to require retail food stores to dedicate the first hour, or in the case of a store that is open 24-hours, at least one hour in the morning, exclusively to customers who are elderly or disabled.

**WHEREAS**, on March 4, 2020, Governor Gavin Newsom declared a State of Emergency regarding the outbreak of the COVID-19 virus. The same day, Mayor Eric Garcetti also declared a local emergency over the COVID-19 outbreak. On March 11, 2020, the World Health Organization officially declared the health crisis a pandemic. On March 13, 2021, President Donald Trump declared a national emergency over the COVID-19 pandemic;

**WHEREAS**, for the past few weeks, retail food stores have been overwhelmed with increased consumer demand for basic household items. Customers wait in line many hours for retail food stores to open, and the stores are often unable to keep up with customer demand;

**WHEREAS**, the elderly and the disabled are often unable to wait in line many hours to shop for necessary household items. While some retail food stores voluntarily have set aside time for the elderly and disabled to shop before opening to the general public, more needs to be done; and

**WHEREAS**, this ordinance requires all retail food stores to dedicate the first hour, or at least one morning hour, exclusively to customers who are elderly, disabled, or operators of congregate living homes that serve the elderly and disabled. This requirement will allow them to shop for their daily necessities without waiting in long lines and before the general public depletes a retail food store's daily inventory of basic household goods.

**NOW, THEREFORE,**

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

Section. 1. Article 2-72TT is added to Chapter XX of the Los Angeles Municipal Code to read as follows:

## ARTICLE 2-72TT

### GROCERY SHOPPING PRIORITY FOR ELDERLY AND DISABLED RESIDENTS

#### SEC. 200.01. DEFINITIONS.

The following definitions shall apply to this article:

A. **"Assistance Provider"** means any person who provides support and assistance, whether remunerated or not, to a person who is Disabled in the course of shopping at a Retail Food Store

B. **"City"** means the City of Los Angeles.

C. **"Congregate Living Home"** means a residential congregate living facility operated by a service agency under license by the State of California for the Elderly or Disabled.

D. **"Disabled"** means any person unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment, which can be expected to result in death, or to be of long-continued and indefinite duration.

E. **"Elderly"** means any person age 60 years or older.

F. **"Retail Food Store"** means any retail store, including a grocery store and convenience store, that is primarily engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, and fresh meats, fish, or poultry and includes any area within that store, whether or not it is separately owned, where food is prepared and served, including a bakery, deli, coffee shop, or meat and seafood counter. "Retail Food Store" includes a retail store in which a majority of sales is from a pharmacy, as defined in Section 4037 of the Business and Professions Code, if such a retail store also engages in the retail sale of canned food, dry goods, and other grocery items. "Retail Food Store" also includes a membership-only warehouse club that engages in the sale of canned food, dry goods, fresh fruits and vegetables, or fresh meats, fish, or poultry. "Retail Food Store" does not include a retail store that is less than 2,500 square feet in size, nor does it include any restaurant, even if that restaurant is engaging in the retail sale of dry goods, fresh fruits and vegetables, and fresh meats, fish, or poultry during the emergency period.

## **SEC. 200.02. EXCLUSIVE ACCESS TO RETAIL FOOD STORE.**

A. During the first hour that a Retail Food Store is open to the public, the Retail Food Store shall restrict public access exclusively to Elderly, Disabled, and operators of Congregate Living Homes.

B. If a Retail Food Store is open 24-hours a day, the Retail Food Store shall restrict public access for one hour, at a predetermined time in the morning, exclusively to Elderly, Disabled, and operators of Congregate Living Homes.

C. Any Retail Food Store that is more than 10,000 square feet in size shall comply with the requirements of Subsections A and B each day that it is open for business. Any Retail Food Store that is between 2,500 and 10,000 square feet in size shall comply with the requirements of Subsections A and B on at least three days that it is open for business each week.

D. Nothing in this section shall restrict an employee or contractor of the Retail Food Store from entering or being present in the premises during the exclusive access period.

E. Nothing in this section shall restrict a person who is Disabled from being accompanied by one Assistance Provider when that Disabled person is shopping during the Retail Food Store's exclusive access period.

F. Nothing in this section shall restrict a government employee, acting in the course and scope of his or her official duty, including a law enforcement official, a fire department official, a public health inspector, and a building and safety inspector, from entering or being present in the premises to carry out their official duty during the exclusive access period.

G. An operator of a Congregate Living Home shall receive the benefits of this article only if the operator is acting within the course and scope of his or her employment by shopping for the residents of that Congregate Living Home. An operator of a Congregate Living Home, who presents the Retail Food Store with a copy of the Congregate Living Home's state-issued operating license, shall be considered by the Retail Food Store to be acting within the course and scope of his or her official duty.

H. It shall be unlawful for any Retail Food Store to violate or fail to comply with any provision of this article. It shall be considered a separate violation by the Retail Food Store for each and every person who is not Elderly, Disabled, an operator of a Congregate Living Home, or otherwise exempt from this section, to enter, or be present in, the premises during the exclusive access period.

### **SEC. 200.03. POSTING OF EXCLUSIVE ACCESS HOURS.**

Each Retail Food Store location shall post in a conspicuous place visible to the public a notice with the designated hours during which the Retail Food Store is restricted only to Elderly, Disabled, and operators of Congregate Living Homes. If the Retail Food Store maintains a website, the restricted store hours shall be prominently listed on the page of the Retail Food Store's website that is devoted to individual store hours.

### **SEC. 200.04. CONFLICTS.**

Nothing in this article shall be interpreted or applied so as to create any power or duty in conflict with any federal or state law.

### **SEC. 200.05. SEVERABILITY.**

If any subsection, sentence, clause or phrase of this article is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this article. The City Council hereby declares that it would have adopted this article, and each and every subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the article would be subsequently declared invalid or unconstitutional.

### **SEC. 200.06. SUNSET.**

This article shall sunset upon the later of either the Governor of the State of California lifting the State of Emergency he declared on March 4, 2020, or the Mayor of Los Angeles lifting the Declaration of Emergency he declared on March 4, 2020.

**Sec. 2. Urgency Clause.** The City Council finds and declares that this ordinance is required for the immediate protection of the public peace, health, and safety for the following reasons: The current pandemic due to the COVID-19 virus has resulted in panic shopping at many grocery and other retail food stores. Often, shoppers wait in line for hours to gain entry to purchase foods and other essential items. A store's daily inventory of necessary household items like sanitizer, toilet paper, cleaning wipes and staples such as milk, eggs, bread and rice are frequently depleted within just a few hours after opening. Many of the City's Elderly and Disabled residents are physically unable to wait in line for hours or are afraid to deal with the shopping frenzy inside these stores, and operators of Congregate Living Homes must be able to securely obtain food and supplies for the Elderly and Disabled residents they serve. In order for the City of Los Angeles to protect the health and safety of Elderly and Disabled residents, priority shopping times must be provided as reflected in this ordinance and must become effective as soon as possible. For all these reasons, the ordinance shall become effective upon publication pursuant to Los Angeles Charter Section 253.

Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By   
MICHAEL DUNDAS  
Assistant City Attorney

Date 3/24/20

File No. 20-0147-S51

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The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than three-fourths** of all its members.

CITY CLERK

MAYOR

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Ordinance Passed \_\_\_\_\_

Approved \_\_\_\_\_