

SENATE THIRD READING

SB 635 (Durazo)

As Amended September 02, 2025

Majority vote

SUMMARY

Prohibits a local authority or enforcement agency that regulates street vendors or compact mobile food operations (CMFOs) from collecting citizenship or criminal background data and from disclosing personally identifiable information for purposes of immigration enforcement.

Major Provisions

- 1) As part of a sidewalk vending or a CMFO permit application, prohibits a local authority or enforcement agency, as applicable, from inquiring into or collecting any of the following:
 - a) Information about an individual's immigration or citizenship status or place of birth.
 - b) Information or documentation regarding an individual's criminal history, including completion of LiveScan fingerprinting or submission of fingerprints or a background check.
- 2) Requires a local authority or enforcement agency that collected any of the information described above before January 1, 2026, to destroy that information by March 1, 2026.
- 3) Prohibits a local authority or enforcement agency that regulates sidewalk vendors or CMFOs as applicable, from providing voluntary consent to an immigration enforcement agent to access, review, or obtain records that include personally identifiable information, as defined, of any sidewalk vendor or any CMFO operator or employee, as specified.
- 4) Prohibits a local authority or enforcement agency from disclosing or providing in writing, verbally, or in any other manner, personally identifiable information of any sidewalk vendor or CMFO operator or employee requested for purposes of immigration enforcement, except pursuant to a valid judicial warrant, as specified.
- 5) Provides that any information collected by a local authority pursuant to statutes governing sidewalk vendors or CMFOs shall be exempt from disclosure under the California Public Records Act.
- 6) Prohibits an agency or department of a local authority, when enforcing regulations of sidewalk vendors or CMFOs, as applicable, from using local authority moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, including inquiring into an individual's immigration status, assisting an immigration enforcement agent, performing the functions of an immigration officer, and other actions, as specified. "Agency or department of a local authority" includes any nonpublic entity that a local authority has delegated or assigned authority to, or has entered into a contract with, for the purpose of enforcement.

- 7) Prohibits a local authority or enforcement agency authorized to make arrests, when enforcing regulations of sidewalk vendors or CMFOs, as applicable, from taking any of the following actions:
 - a) Using local authority or enforcement agency funds or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, as specified.
 - b) Transferring an individual to immigration authorities, as specified.
 - c) Contracting with the federal government for use of local facilities to house individuals as federal detainees for purposes of immigration enforcement.
- 8) Provides that this bill does not prohibit or restrict any governmental entity or official from sending to, or receiving from, federal immigration authorities information regarding the citizenship or immigration status, lawful or unlawful, of an individual, or from requesting from federal immigration authorities immigration status information, lawful or unlawful, of any individual, or maintaining or exchanging that information with any other federal, state, or local governmental entity, pursuant to specified provisions of federal law.
- 9) For the purpose of a CMFO permit application, consistent with existing law for street vendors:
 - a) Requires an enforcement agency to accept a California driver's license or identification number, an individual taxpayer identification number, or a municipal identification number in lieu of a social security number, as specified.
 - b) Requires that the number collected be confidential, not be available to the public for inspection, and not be disclosed, except as specified.

COMMENTS

- 1) *California Street Food Vending and Sidewalk Vending.* Sidewalk vendors, also known as street vendors, sell goods on streets and sidewalks from carts and other non-motorized conveyances. These entrepreneurs engage in business in many areas throughout the state where they sell food items and other merchandise. Some sidewalk vendors are stationary, while others move from one location to another. Although there is no statewide count, according to some sources, there are an estimated 50,000 sidewalk vendors in the City of Los Angeles alone, contributing hundreds of millions of dollars to the local economy.

Sidewalk vending in California is a business practice tracing back as far as the late nineteenth century, with Chinese-Americans selling vegetables and other goods in Los Angeles. Since its start, the sidewalk vending workforce has grown to reflect the diversity of California, including many Californians of color.

Businesses that sell food are regulated under the California Retail Food Code (CRFC). The CRFC lays out the requirements that food retailers must meet, including operational practices, equipment standards, and standards for facilities, such as kitchens and restrooms. County offices of environmental health—and the environmental health departments in four cities—regulate retail food operations. CRFC differentiates among permanent food facilities,

mobile food facilities, temporary food facilities, cottage food operations, microenterprise home kitchens, and other types of food retail, and has differing rules for each.

- 2) *The California Values Act*. In 2017, the Legislature enacted SB 54 (De León), Chapter 495, Statutes of 2017, known as the California Values Act, in response to concerns that state or local resources could be used to assist in immigration enforcement. The California Values Act prohibits state and local law enforcement agencies, except for the California Department of Corrections and Rehabilitation, from using resources to investigate, interrogate, detain, detect, or arrest people for immigration enforcement purposes. Law enforcement agencies cannot, among other things:
- a) Ask about an individual's immigration status;
 - b) Detain a person based on a hold request from federal immigration authorities;
 - c) Provide a person's personal information, as specified, including, but not limited to, name, social security number, home or work addresses, unless that information is "available to the public;"
 - d) Arrest a person based on a civil immigration warrant;
 - e) Participate in border patrol activities, including warrantless searches;
 - f) Perform the functions of an immigration agent; and
 - g) Transfer an individual to immigration authorities without a warrant or court order, except as otherwise specified.

The California Values Act does not apply to other local agencies or departments, including those that enforce laws that don't have a criminal component. Additionally, one requirement that some cities impose on street vendors is to submit to a criminal background check or fingerprinting, or similarly collect data on criminal history. Depending on the method of collection, these procedures can automatically alert federal authorities to the results of that background check and disclose immigration status for the subject. At least 29 cities in California require an applicant for a street vendor permit to submit to a background check or similar requirement.

- 3) *SB 946 of 2018*. Due to concerns that criminal citations for sidewalk vendors could enable deportation by the federal government, and to legalize the activity of sidewalk vending as a means of economic support for immigrant communities, the Legislature enacted SB 946 (Lara), Chapter 459, Statutes of 2018. SB 946 prohibited jurisdictions from banning street vendors or imposing criminal penalties for violations, and limited the regulatory measures they could adopt to those objectively related to health and safety, which excludes things like aesthetic impact or impact on neighboring businesses. As part of SB 946, the Legislature codified several findings and declarations related to sidewalk vending, including that "sidewalk vending provides important entrepreneurship and economic development opportunities to low-income and immigrant communities," and that "the safety and welfare of the general public is promoted by prohibiting criminal penalties for violations of sidewalk vending ordinances and regulations."

One key provision of SB 946 is that cities and counties may adopt additional requirements regulating the time, place, and manner of sidewalk vending if the requirements are directly related to objective health, safety, or welfare concerns. While most local governments directly administer their street vending regulations, a few contract out with private firms, including the cities of Anaheim, Fontana, and Richmond.

Under SB 946, violations of a local authority's sidewalk vending ordinance, provided that it complies with other requirements, may only be punished by a series of administrative fines that increase in scale as the number of violations increases, or by revocation of a sidewalk vending permit. Vending without a permit may only be punished by slightly higher fines. SB 946 made it clear that neither violations of those ordinances (including vending without a permit) nor failure to pay administrative fines could be punished as infractions or misdemeanors, a condition that applied to any criminal prosecutions pending at the time of the law's enactment. Further, any of those criminal prosecutions that had not reached final judgment at the time the law was enacted were required to be dismissed.

- 4) *SB 972 of 2022*. SB 972 (Gonzalez), Chapter 489, Statutes of 2022, established a new retail food facility type, known as a "compact mobile food operation" (street food vendor), which is a mobile food facility that operates as a pushcart or stand, and established a regulatory framework for these entities. SB 972 provided that a violation of any street food vendor requirement could only be punished with an administrative penalty, and could not be punished as infractions or misdemeanors.

According to the Author

SB 635, the Street Vendor Business Protection Act, signifies a significant step towards ensuring micro-entrepreneurs have the peace, safety, and protections they deserve when participating in the local economy. SB 635 introduces vital safeguards to ensure that California's local street vending programs continue to promote economic inclusion and opportunity, rather than foster fear and division.

Street vending plays a crucial role in the cultural and civic life of communities throughout California. It offers important economic opportunities, especially for low-income and immigrant workers. It also gives entrepreneurial community members a chance to start their businesses and gradually build them to support themselves and their families. For many vendors, street vending sales represent the first step on the economic ladder, as they work towards the American dream.

Cities also flourish when sidewalks serve as public spaces where neighbors can come together and participate in activities. Their sidewalk sales unite residents in areas with limited access to food or goods. These micro-entrepreneurs reinvest their earnings into the local economy, supporting brick-and-mortar businesses, and continue being huge contributors stimulating economic growth to their communities.

As communities across California endure the devastation of mass ICE raids, it is more important than ever to stand firmly in our values. California must uplift micro-entrepreneurs, honor their contributions, and come together with urgency and resolve to empower micro-businesses throughout the state.

Arguments in Support

A large coalition of support, including the sponsors of this bill, in support of a prior version of this bill, write, "SB 635 takes important steps to protect immigrant sidewalk vendors who are undocumented by preventing local sidewalk vending permitting and enforcement activities from being used to criminalize, and separate families. Specifically, the Street Vendor Business Protection Act would prevent federal immigration enforcement agents from being able to access personal identifying data on sidewalk vendors collected by local governments that may disclose their immigration and citizenship status. The Act would also prevent cities from assigning their duties to non-public entities to enforce vending rules, impound equipment, cite, fine, or prosecute vendors.

"Additionally, SB 635 would prohibit local sidewalk vending permitting procedures from inquiring about a person's immigration or citizenship status, as well as prevent the requirement of fingerprinting or the disclosure of past criminal history. Lastly, the Act would clarify that local sidewalk vending enforcement, including the local agencies and entities that conduct such enforcement, are covered by the existing protections in the California Values Act (SB 54) which already prohibits local law enforcement agencies from colluding with federal immigration enforcement to arrest and detain immigrants.

"SB 635 will have a transformative impact on the lives of the most vulnerable microentrepreneurs while also strengthening and revitalizing communities across California that rely on and benefit from the vibrant industry of sidewalk vending. SB 635 is an important and necessary step to protecting immigrant workers and their families in California from unjust and punitive immigration enforcement. We thank you for standing with California's sidewalk vendors in introducing this important bill and look forward to doing everything in our power to ensure its passage."

Arguments in Opposition

The California Association of Environmental Health Administrators, the Urban Counties of California, and the California Association of Code Enforcement Officers, in an "oppose, unless amended" position on a prior version of this bill, write, "To operate an effective licensing program, local agencies need to collect personally identifiable information to appropriately license and regulate these vendors. It is important to stress that we are not interested in collecting information related to a vendor's immigration or citizenship status and are not interested in sharing such information with the federal government. However, maintaining a database of licensees that is to be kept confidential separately from other vendors will be a costly challenge...Finally, the mandate contained in the bill to destroy records is a costly and a concerning policy choice...

"We disagree with the narrative that vendors currently operating illegally should not be encouraged and supported to become legal vendors. The current requirement that some cities have for licensed street vendors to submit to a background check has perpetuated a fear of flagging immigration status and thus creating targets for the current federal administration. That is a fear we hope to dispel since we are only aware of one method of background collection, Live Scan, that can automatically alert federal authorities to the results of a background check and disclose immigration status for the subject. We are happy to explore language prohibiting the use of Live Scan for vendors and instead favoring background checks for sidewalk vending permits conducted by local Police Departments (already prohibited from working with federal immigration authorities via SB 54) using a date of birth and driver's license number. No state of

federal agencies are notified. No fingerprinting is done. This approach allows us to conduct background checks in a way that is respectful of all vulnerable populations.

"We understand and commend the intent behind SB 635 but would appreciate the committee's consideration of language that ensures that local agencies can preserve a licensing program for sidewalk and roadside food vending that protects the public's health and safety at a reasonable cost and secures the economic well-being of all food vendors in our community. We believe that amendments that continue to allow us to do so will benefit all Californians, including vendors however until that time, we are Opposed Unless Amended to the bill in print."

FISCAL COMMENTS

One-time costs (General Fund, local funds) to local agencies of an unknown amount, but potentially significant in some jurisdictions, to revise inconsistent ordinances, review and destroy records that include prohibited information, update application forms and processes, train staff, develop and maintain a separate database for street vendor records, if necessary, and make other required changes. These costs will vary by jurisdiction, but could be in the hundreds of thousands of dollars statewide. These costs are potentially reimbursable by the state, subject to a determination by the Commission on State Mandates.

VOTES

SENATE FLOOR: 28-10-2

YES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Cortese, Durazo, Gonzalez, Grayson, Laird, Limón, McGuire, McNerney, Menjivar, Padilla, Pérez, Richardson, Rubio, Smallwood-Cuevas, Stern, Umberg, Wahab, Weber Pierson, Wiener
NO: Alvarado-Gil, Choi, Dahle, Grove, Jones, Niello, Ochoa Bogh, Seyarto, Strickland, Valladares

ABS, ABST OR NV: Hurtado, Reyes

ASM LOCAL GOVERNMENT: 8-1-1

YES: Carrillo, Pacheco, Ramos, Ransom, Blanca Rubio, Stefani, Ward, Wilson

NO: Ta

ABS, ABST OR NV: Hoover

ASM PUBLIC SAFETY: 7-0-2

YES: Schultz, Mark González, Haney, Harabedian, Nguyen, Ramos, Sharp-Collins

ABS, ABST OR NV: Alanis, Lackey

ASM APPROPRIATIONS: 11-4-0

YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Ahrens, Pacheco, Pellerin, Solache

NO: Sanchez, Dixon, Ta, Tangipa

UPDATED

VERSION: September 02, 2025

CONSULTANT: Angela Mapp / L. GOV. / (916) 319-3958

FN: 0001466