

ORDINANCE NO. ORD-25-0010

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY ADDING CHAPTER 5.93, RELATING
TO ESTABLISHING STAFFING REQUIREMENTS FOR
SELF-SERVICE CHECKOUT STATIONS AT GROCERY
AND DRUG STORES TO ADVANCE PUBLIC SAFETY AND
PREVENT RETAIL THEFT

WHEREAS, the City of Long Beach has prioritized strategies and
partnerships to help prevent grocery and drug retail theft and deter individuals responsible
for it;

WHEREAS, in 2025, city leaders launched a series of community
roundtables to bring together public safety officials, employees, and business stakeholders
to identify solutions that help address the impacts of retail theft;

WHEREAS, on March 12, 2025, at a Retail Theft Roundtable hosted by
Mayor Richardson, Councilmember Zendejas, and Councilmember Thrash-Ntuk, retail
workers from grocery and drug retail establishments throughout Long Beach shared
personal experiences about the chronic understaffing of self-checkout (SCO) stations
operations in their stores, the frequency of theft that occurs through SCO stations, and the
associated increases in harassment, violence, and intimidation they have encountered due
to understaffing of SCO operations;

WHEREAS, on April 1, 2025, City Council requested the City Manager to
evaluate options for establishing labor standards and requirements related to staffing SCO
operations in grocery stores and drug stores, in an effort to address grocery and drug retail
theft and advance public safety and welfare. The City Council letter and comments made
by members of the public during the City Council meeting included first-hand testimony

1 detailing the existing public health and safety concerns resulting from the understaffing of
2 SCO operations in grocery and drug stores;

3 WHEREAS, statistical data presented in the council letter identified a
4 dramatic increase in theft in the State of California across its retail businesses, both in
5 highly visible incidents such as “smash and grab” incidents, as well as subtler yet pervasive
6 forms of shoplifting including thefts involving abuse or manipulation of self-checkout retail
7 operations. For example, in 2022, California retail stores and small businesses lost nearly
8 \$9 billion as a result of theft. Based on surveys of California retail businesses that have
9 introduced robust SCO systems, estimates indicate that SCO operations account for
10 between twenty and twenty-five percent of those retailers' losses underscoring the high
11 frequency at which retail theft occurs in such operations;

12 WHEREAS, the high frequency of theft incidents in SCO operations was
13 shown to pose a threat to the public's safety and undermine the community's welfare and
14 sense of security. Specifically, based on public testimony, incidents like these were shown
15 to create hostile workplace conditions for employees, and unsafe shopping environments
16 for customers; and

17 WHEREAS, the public meetings held by the Long Beach City Council on
18 April 1, 2025, and June 17, 2025, solicited comments and testimony from a wide range of
19 stakeholders, including representatives from the grocery and drug retail industry, as well
20 as a large number of workers employed at local grocery and drug store establishments.
21 This public testimony highlighted the need for regulation of SCO operations to better
22 address the issue of retail theft in grocery and drug stores and the unsafe work
23 environments for employees and customers associated with these operations. The
24 statistical data around retail theft in California along with the testimony presented before
25 the City Council affirmed the need and urgency to develop targeted public policy tools to
26 disrupt and prevent retail theft in Long Beach grocery and drug store establishments.

27 NOW, THEREFORE, the City Council of the City of Long Beach ordains as
28 follows:

Section 1. The Long Beach Municipal Code is amended by adding Chapter 5.93 to read as follows:

CHAPTER 5.93

GROCERY AND DRUG STORE STAFFING STANDARDS FOR SELF-SERVICE
CHECKOUT STATIONS

5.93.010 Purpose.

It is in the public's interest to require grocery and drug stores to adopt effective preventative measures that will address the impacts on public health and safety that retail theft creates within the context of self-service checkout operations where theft commonly occurs but remains largely unchecked and underreported. Regulating the staffing of self-service checkout operations will address the hostile and unsafe working conditions for employees, and unsafe shopping environments for customers.

5.93.020 Short Title.

This ordinance shall constitute the "Self-Service Checkout Staffing Requirements."

5.93.030 Definitions.

For the purpose of this Ordinance:

"City" means the City of Long Beach.

"Customer" means an individual who buys consumer goods from a Drug Retail Establishment or Food Retail Establishment.

"Drug Retail Establishment" means a retail store that sells a variety of prescription and nonprescription medicines and miscellaneous items, including drugs, pharmaceuticals, sundries, fresh produce, meats, poultry, fish, deli products, dairy products, canned foods, dry foods, beverages, prepared foods, and other merchandise.

"Employee" means a worker employed directly by a hiring entity at a Drug Retail Establishment or Food Retail Establishment. Employee does not include managers, supervisors or confidential employees.

"Food Retail Establishment" means a retail store that is either: (1) over fifteen thousand (15,000) square feet in size and sells primarily household foodstuff for offsite including

1 fresh produce, meats, poultry, fish, deli products, dairy products, canned foods, dry foods,
2 beverages, baked foods and/or prepared foods (other household supplies or products are
3 secondary to the primary purpose of food sales); or (2) over eighty-five thousand (85,000)
4 square feet and with ten percent (10%) of their sales floor area dedicated to the sale of
5 non-taxable merchandise including the sale of fresh produce, meats, poultry, fish, deli
6 products, dairy products, canned foods, dry foods, beverages, baked foods and/or
7 prepared foods.

8 “Non-Self-Service Checkout station” means a station that is not a Self-Service
9 Checkout and at which an employee provides human assistance to a customer for
10 scanning, bagging, and/or accepting payment for the customer’s purchases.

11 “Self-Service Checkout” means the automated processes that enable customers to
12 scan, bag, and pay for their purchases without human assistance, including but not limited
13 to fixed self-checkout, scan-and-go self-checkout, or mobile self-checkout.

14 “Self-Service Checkout station” means a station at a fixed location within a Drug
15 Retail Establishment or Food Retail Establishment at which a customer can engage in a
16 Self-Service Checkout for the customer’s purchases.

17 5.93.040 Self-Service Checkout requirement.

18 A. Drug Retail Establishments and Food Retail Establishments that
19 provide Self-Service Checkout options shall provide at least one Non-Self-Service
20 Checkout station staffed by an Employee that is available during the times that a Self-
21 Service Checkout option is available to customers, and Drug Retail Establishments and
22 Food Retail Establishments shall establish, implement, and advertise limits to Self-Service
23 Checkout to purchases of no more than fifteen (15) items.

24 B. Drug Retail Establishments and Food Retail Establishments shall
25 have an established workforce policy that prohibits customers from using a Self-Service
26 Checkout station to purchase either of the following:

- 27 1. Items that require customers to provide a form of identification,
28 including, but not limited to, alcohol and tobacco products.

2. Items subject to special theft-deterrent measures that are affixed to the item, including, but not limited to, electronic article surveillance, ink, or other tags, or items placed in locked cabinets, that require the intervention of an Employee to remove them before purchase.

C. Drug Retail Establishments and Food Retail Establishments shall notify the public of this Ordinance by prominently posting signage in a location accessible to customers, which includes either a link or QR code to the City of Long Beach website regarding this Ordinance, a summary of the public's rights under this Ordinance, and enforcement options available to the public.

D. Self-Service Checkout stations shall be located to enable observation and surveillance from both employees of Drug Retail Establishments and Food Retail Establishments and local law enforcement.

5.93.050 Self-Service Checkout staffing requirement.

A. Drug Retail Establishments and Food Retail Establishments that provide Self-Service Checkout options shall assign at least one (1) Employee to supervise the Self-Service Checkout operation at all times that Self-Service Checkout is in operation during business hours. The assigned Employee shall have no other work responsibilities that would interfere with their ability to maintain direct visual inspection and surveillance of the Self-Service Checkout operations.

B. In the event a Drug Retail Establishment or Food Retail Establishment operates two (2) or more Self-Service Checkout stations, the Drug Retail Establishment or Food Retail Establishment shall maintain a staffing ratio of at least one (1) Employee for every three (3) Self-Service Checkout Stations (1:3 ratio). The manner in which this standard is implemented may take into account operational and logistical feasibility.

5.93.060 Enforcement.

A. Any Customer or Employee of a Drug Retail Establishment or Food Retail Establishment may bring a private right of action in the Superior Court of the State

of California against a Drug Retail Establishment or Food Retail Establishment for violating this Chapter and, upon prevailing, may be awarded:

1. A civil penalty for each violation of this Chapter of one hundred dollars (\$100) for each employee of the Drug Retail Establishment or Food Retail Establishment. Each day the violation is not cured, the penalty shall increase an additional one hundred dollars (\$100) per employee per day up to a limit of one thousand dollars (\$1,000) per employee per day for each day in which the violation remains uncured.

2. Attorneys' fees and costs.

5.93.070 Retaliatory action prohibited.

No Drug Retail Establishment or Food Retail Establishment shall terminate, reduce in compensation, or otherwise discriminate against any Employee for seeking to enforce their rights under this Chapter by any lawful means, for participating in proceedings related to this Chapter, for opposing any practice proscribed by this Chapter, or for otherwise asserting rights under this Chapter.

5.93.080 Severability.

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

Section 2. The City Clerk shall certify to the passage of this ordinance by the City Council of the City of Long Beach and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

I hereby certify that the foregoing Ordinance was adopted by the City Council of the

City of Long Beach at its meeting of August 12, 2025 by the following vote:

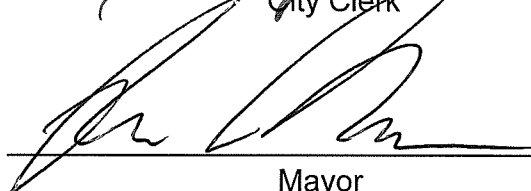
Ayes: Councilmembers: Zendejas, Allen, Kerr, Saro, Uranga,
Thrash-Ntuk, Ricks-Oddie.

Noes: Councilmembers: Duggan, Supernaw.

Absent: Councilmembers: None.

Recusal(s): Councilmembers: None.

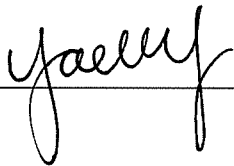
Approved: 08/21/25


City Clerk

Mayor

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF LONG BEACH)

Yaelly Santana being duly sworn says: That I am employed in the Department of the City Clerk of the City of Long Beach; that on the 15th day of August 2025, I posted three true and correct copies of Ordinance No. ORD-25-0010 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the lobby of City Hall in front of the Civic Chambers; one of said copies in the Billie Jean King Main Library; and one of said copies on the front counter of the City Clerk Department.



Subscribed and sworn to before me

This 15th day of August 2025.



CITY CLERK