

AMENDED IN ASSEMBLY MARCH 13, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 97

Introduced by Assembly Member Mendoza

December 21, 2006

~~An act to add Article 6.6 (commencing with Section 110808) to Chapter 5 of Part 5 of Division 104 of the Health and Safety Code, relating to food. An act to add Chapter 12.6 (commencing with Section 114377) to Part 7 of Division 104 of the Health and Safety Code, relating to food facilities.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 97, as amended, Mendoza. Food *facilities*: trans fats.

~~The Sherman Food, Drug, and Cosmetic Act contains various provisions regarding the contents, packaging, labeling, and advertising of food, drugs, and cosmetics. The State Department of Health Services administers and enforces this act. California Uniform Retail Food Facilities Law (CURFFL) provides for the regulation of health and sanitation standards for retail food facilities by the State Department of Health Services. Under existing law, local health agencies are primarily responsible for enforcing CURFFL. The violation of the law is a misdemeanor. Effective July 1, 2007, these the duties of the department shall be transferred to the State Department of Public Health.~~

This bill would require every food facility to maintain on the premises ~~the manufacturer's documentation or label required~~ for any food or food additive that is or includes any fat, oil, or shortening, for as long as this food or food additive is stored, distributed, or served by, or used in the preparation of food within, the food facility. ~~The bill would require~~

~~the manufacturer's documentation to be authorized by the department and to disclose specified information.~~

This bill would also, on and after July 1, ~~2008~~ 2009, prohibit oil, shortening, or margarine containing specified trans fats for specified purposes, from being stored, distributed, or served by, or used in the preparation of any food within, a food facility. It would also, on and after July 1, ~~2009~~ 2010, prohibit any food containing artificial trans fat, from being stored, distributed, or served by, or used in the preparation of any food within, a food facility. The bill would exempt from these prohibitions, food sold or served in a manufacturer's original, sealed package.

By creating a new crime and adding to the duties of local officials, this bill would impose a state-mandated local program.

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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

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

1 ~~SECTION 1.—Article 6.6 (commencing with Section 110808)~~
2 ~~is added to Chapter 5 of Part 5 of Division 104 of the Health and~~
3 ~~Safety Code, to read:~~
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5 ~~Article 6.6. Trans Fats~~
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7 ~~110808.—~~
8 ~~SECTION 1. Chapter 12.6 (commencing with Section 114377)~~
9 ~~is added to Part 7 of Division 104 of the Health and Safety Code,~~
10 ~~to read:~~

CHAPTER 12.6. TRANS FATS

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114377. (a) Every food facility shall maintain on the premises the manufacturer's documentation or label for any food or food additive that is or includes any fat, oil, or shortening, for as long as this food or food additive is stored, distributed, or served by, or used in the preparation of food within, the food facility. The label described in this subdivision refers to the label that is required by applicable federal and state law to be on the food or food additive at the time of purchase by the food facility. ~~The manufacturer's documentation may be maintained in lieu of the label. The manufacturer's documentation shall be maintained whenever the label is not required by federal and state law on the food or food additive that is or includes any fat, oil, or shortening. The manufacturer's documentation described in this subdivision shall be authorized by the department and disclose one or both of the following:~~

- ~~(1) The trans fat content of the food or food additive.~~
- ~~(2) Whether a food or food additive is or includes margarine, vegetable shortening, or any kind of partially hydrogenated vegetable oil.~~

(b) (1) On and after July 1, ~~2008~~ 2009, no oil, shortening, or margarine containing artificial trans fat for use in spreads or frying, except for the deep frying of yeast dough or cake batter, may be stored, distributed, or served by, or used in the preparation of any food within, a food facility.

(2) On and after July 1, ~~2009~~ 2010, no food containing artificial trans fat, including oil and shortening that contains artificial trans fat for use in the deep frying of yeast dough or cake batter, may be stored, distributed, or served by, or used in the preparation of any food within, a food facility.

(c) Subdivision (b) shall not apply to food sold or served in a manufacturer's original, sealed package.

(d) For purposes of this section, a food contains artificial trans fat if the food contains vegetable shortening, margarine, or any kind of partially hydrogenated vegetable oil, unless the ~~manufacturer's documentation or the label~~ required on the food, pursuant to applicable federal and state law, lists the trans fat content as less than 0.5 grams per serving.

1 ~~(e) For purposes of this section, food facility has the same~~
2 ~~meaning as in Section 113789.~~

3 ~~(f) Section 111825 shall not apply to a violation of this section.~~

4 *(e) Notwithstanding Section 114395, a violation of this section*
5 *shall be punishable by a fine of not less than twenty-five dollars*
6 *(\$25) or more than one thousand dollars (\$1,000).*

7 *SEC. 2. No reimbursement is required by this act pursuant to*
8 *Section 6 of Article XIII B of the California Constitution for certain*
9 *costs that may be incurred by a local agency or school district*
10 *because, in that regard, this act creates a new crime or infraction,*
11 *eliminates a crime or infraction, or changes the penalty for a crime*
12 *or infraction, within the meaning of Section 17556 of the*
13 *Government Code, or changes the definition of a crime within the*
14 *meaning of Section 6 of Article XIII B of the California*
15 *Constitution.*

16 *However, if the Commission on State Mandates determines that*
17 *this act contains other costs mandated by the state, reimbursement*
18 *to local agencies and school districts for those costs shall be made*
19 *pursuant to Part 7 (commencing with Section 17500) of Division*
20 *4 of Title 2 of the Government Code.*

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23 **CORRECTIONS:**

24 **Text—Page 3.**

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