

AMENDED IN SENATE AUGUST 31, 2007

AMENDED IN SENATE JULY 18, 2007

AMENDED IN ASSEMBLY JUNE 5, 2007

AMENDED IN ASSEMBLY JUNE 1, 2007

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 amend Section 113705 of, and 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 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 Public Health. Under existing law, local health agencies are primarily responsible for enforcing CURFFL. The violation of the law is a misdemeanor.

This bill would require every food facility, except a public school cafeteria, to maintain on the premises the 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.

This bill would also, commencing January 1, 2010, 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, commencing January 1, 2011, 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, specified public school cafeterias and food sold or served in a manufacturer's original, sealed package. *The bill would, on and after January 1, 2013, authorize a local governing body to adopt a more stringent ordinance regulating the use of trans fat in food.*

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: yes.

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

1 SECTION 1. Section 113705 of the Health and Safety Code,
2 as added by Section 2 of Chapter 23 of the Statutes of 2006, is
3 amended to read:
4 113705. The Legislature finds and declares that the public
5 health interest requires that there be uniform statewide health and
6 sanitation standards for retail food facilities to assure the people
7 of this state that the food will be pure, safe, and unadulterated.
8 Except as provided in Sections 113709 and 114377.1, it is the
9 intent of the Legislature to occupy the whole field of health and
10 sanitation standards for retail food facilities, and the standards set
11 forth in this part and regulations adopted pursuant to this part shall
12 be exclusive of all local health and sanitation standards relating to
13 retail food facilities.

SEC. 2. Chapter 12.6 (commencing with Section 114377) is added to Part 7 of Division 104 of the Health and Safety Code, to read:

CHAPTER 12.6. TRANS FATS

114377. (a) Every food facility shall maintain on the premises the 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.

(b) (1) Commencing January 1, 2010, 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) Commencing January 1, 2011, 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 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.

(e) This section shall not apply to public elementary, middle, junior high, or high school cafeterias.

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

114377.1. ~~Nothing~~ *Until January 1, 2013, this chapter shall occupy the entire field concerning the use of trans fat in food, exclusive of all local ordinances and standards. On and after January 1, 2013, nothing* in this chapter shall prohibit a local

1 governing body from adopting a local ordinance that regulates the
2 use of trans fat in food if the ordinance is more stringent than the
3 requirements of this chapter.

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

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