

AMENDED IN ASSEMBLY JULY 9, 2009

AMENDED IN SENATE MAY 20, 2009

SENATE BILL

No. 550

**Introduced by Senator Florez
(Coauthor: Senator Romero)**

February 27, 2009

An act to add Part 7.1 (commencing with Section 114450) to Division 104 of the Health and Safety Code, relating to food safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 550, as amended, Florez. Public health: food product recall technology.

Existing law requires a meat or poultry supplier, distributor, broker, or processor that sells a meat- or poultry-related product in California that meets the criteria for a Class I or Class II recall according to the United States Department of Agriculture guidelines to immediately notify the State Department of Public Health and to provide the department with a list of all customers, including a firm name, address, contact person's name, telephone number, fax, and e-mail address, that have received or will receive any product subject to recall that the supplier, distributor, broker, or processor has handled or anticipates handling.

This bill would require a grocery store or grocery department, as defined, to ensure that when it is notified that a product is subject to a recall that applies to all products with the same Universal Product Code and a recalled product is scanned, the store or department's point-of-sale system, as defined, will *prevent the sale and* notify the employee ~~and consumer~~ that the product being purchased is subject to a recall, *and that the employee will notify the consumer of this.*

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

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

1 SECTION 1. Part 7.1 (commencing with Section 114450) is
2 added to Division 104 of the Health and Safety Code, to read:

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4 PART 7.1. GROCERY STORE RECALL TECHNOLOGY

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6 114450. (a) A grocery store or grocery department that uses
7 a point-of-sale system and is informed *by the federal Food and*
8 *Drug Administration or by the manufacturer* that a product that
9 the grocery store or grocery department offers for sale is subject
10 to a recall that applies to all products with the same Universal
11 Product Code *that contains a product lot number, date of*
12 *manufacture, and location of manufacture shall ensure that*~~the,~~
13 *when the product is scanned through the point of sale system, both*
14 *of the following occur:*

15 (1) ~~The point-of-sale system prevents the sale of the product~~
16 ~~and notifies the employee and the consumer that the product is~~
17 ~~subject to a recall when the product is scanned through the~~
18 ~~point-of-sale system.~~ *employee that the product is subject to a*
19 *recall.*

20 (2) *The employee verbally notifies the consumer that the sale*
21 *was prevented because of the product recall.*

22 (b) For purposes of this section:

23 (1) “Grocery department” means a food facility, as defined in
24 Section 113789, within a general retail merchandise store that is
25 engaged primarily in the retail sale of packaged food, instead of
26 food prepared for immediate consumption on or off the premises.

27 (2) “Grocery store” means a food facility, as defined in Section
28 113789, that is engaged primarily in the retail sale of packaged
29 food, instead of food prepared for immediate consumption on or
30 off the premises.

31 (3) “Point-of-sale system” means any computer or electronic
32 system used by a retail establishment such as, but not limited to,
33 Universal Product Code scanners, price lookup codes, or an

- 1 electronic price lookup system as a means for determining the
- 2 price of the item being purchased by a consumer.

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