

AMENDED IN ASSEMBLY AUGUST 31, 2009

AMENDED IN ASSEMBLY AUGUST 17, 2009

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 general retail merchandise store with a grocery department*, as defined, to ensure that when it is notified that a product *for sale by the grocery store or grocery department* is subject to a recall that applies to all products with the

same Universal Product Code and a recalled product is scanned, the store’s point-of-sale system, as defined, will prevent the sale and notify the employee 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 general retail merchandise*
7 *store with a grocery department* that uses a point-of-sale system
8 and is informed by the federal Food and Drug Administration or
9 by the manufacturer that a product that the grocery store *or grocery*
10 *department* offers for sale is subject to a recall that applies to all
11 products with the same Universal Product Code that contains a
12 product lot number, date of manufacture, and location of
13 manufacture shall ensure that, when the product is scanned through
14 the point-of-sale system, both of the following occur:

15 (1) The point-of-sale system prevents the sale of the product
16 and notifies the employee that the product is subject to a recall.

17 (2) The employee verbally notifies the consumer that the sale
18 was prevented because of the product recall.

19 (b) *This section shall not apply to a retail store that generates*
20 *more than 25 percent of its gross revenues from the sales of*
21 *prescription and over the counter drugs and medical devices.*

22 ~~(b)~~

23 (c) For purposes of this section:

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

28 ~~(1)~~

29 (2) *“Grocery store” means a food facility, as defined in Section*
30 *113789, that is engaged primarily in the retail sale of packaged*

1 food, instead of food prepared for immediate consumption on or
2 off the premises.

3 ~~(2)~~

4 (3) “Point-of-sale system” means any computer or electronic
5 system used by a retail establishment such as, but not limited to,
6 Universal Product Code scanners, price lookup codes, or an
7 electronic price lookup system as a means for determining the
8 price of the item being purchased by a consumer.

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