

AMENDED IN SENATE APRIL 28, 2010

AMENDED IN SENATE APRIL 12, 2010

SENATE BILL

No. 888

Introduced by Senator Yee
(Principal coauthor: Senator Liu)
(Coauthors: Senators Huff, Padilla, and Romero)
(Coauthors: Assembly Members Eng, Tran, and Yamada)

January 20, 2010

An act to amend Sections 111222 and 111223 of, to amend the heading of Article 14 (commencing with Section 111222) of Chapter 5 of Part 5 of Division 104 of, and to add Section 114429.5 to, the Health and Safety Code, relating to food safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 888, as amended, Yee. Food safety: Asian rice based noodles.

Existing law, the Sherman Food, Drug, and Cosmetic Law, contains various provisions regarding the packaging, labeling, and advertising of food, drugs, and cosmetics. A violation of any of these provisions is punishable as a misdemeanor.

This bill would require all manufacturers of Asian rice based noodles to place labels on the Asian rice based noodles that indicate the date of manufacture and to include a warning that the Asian rice based noodles *are perishable and* must be consumed within-8 4 hours of manufacture.

Existing law, the California Retail Food Code, establishes uniform health and sanitation standards for retail food facilities, as defined. The law requires the State Department of Public Health to adopt regulations to implement and administer those provisions, and delegates primary enforcement duties to local health agencies. A violation of any of these provisions is punishable as a misdemeanor.

This bill would permit the sale of Asian rice based noodles, as defined, that have been at room temperature for no more than 4 hours and would prohibit the sale of Asian rice based noodles unless they are labeled according to the requirements of this bill.

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 no reimbursement is required by this act for a specified reason.

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. The heading of Article 14 (commencing with
2 Section 111222) of Chapter 5 of Part 5 of Division 104 of the
3 Health and Safety Code is amended to read:

4
5 Article 14. Asian Rice Noodles and Korean Rice Cakes

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7 SEC. 2. Section 111222 of the Health and Safety Code is
8 amended to read:

9 111222. For purposes of this article the following definitions
10 shall apply:

11 (a) “Asian rice based noodle” is defined as a confection that
12 contains rice powder, water, wheat starch, and vegetable cooking
13 oil. ~~The ingredient~~ *ingredients* shall not include any animal fats
14 or any other products derived from animals. An Asian rice based
15 noodle is prepared by using a traditional method that includes
16 cooking by steaming at not less than 130 degrees Fahrenheit, for
17 not less than four minutes.

18 (b) “Korean rice cake” is defined as a confection that contains
19 rice powder, salt, sugar, various edible seeds, oil, dried beans, nuts,
20 dried fruits, and dried pumpkin. The ingredients may not include
21 any animal fats or any other products derived from animals. A
22 Korean rice cake is prepared by using a traditional Korean method
23 that includes cooking by steaming at not less than 275 degrees
24 Fahrenheit, for not less than five minutes, nor more than 15
25 minutes.

1 SEC. 3. Section 111223 of the Health and Safety Code is
2 amended to read:

3 111223. (a) All manufacturers of Asian rice based noodles
4 shall place a label on the packaging of Asian rice based noodles
5 that indicates the date and time of manufacture and includes a
6 statement that the Asian rice based noodles *are perishable and*
7 *must be consumed within*~~eight~~ *four* hours of manufacture.

8 (b) All manufacturers of Korean rice cakes shall place a label
9 issued by the Korean Rice Cake Association Corporation on the
10 Korean rice cake that indicates the date of manufacture. The Korean
11 rice cakes label shall include a statement that the rice cake must
12 be consumed within one day of manufacture.

13 SEC. 4. Section 114429.5 is added to the Health and Safety
14 Code, to read:

15 114429.5. (a) Notwithstanding Sections 113996 and 114343,
16 and if permitted by federal law, a food facility may sell Asian rice
17 based noodles that have been *kept* at room temperature for no more
18 than~~eight~~ *four* hours.

19 (b) *Asian rice based noodles that have been kept at room*
20 *temperature shall be consumed, cooked, or destroyed in a manner*
21 *approved by the enforcement agency within four hours of*
22 *manufacture.*

23 ~~(b)~~

24 (c) At the end of the operating day, Asian rice based noodles
25 that have been *kept* at room temperature for no more than~~eight~~
26 *four* hours shall be destroyed in a manner approved by the
27 enforcement agency.

28 ~~(e)~~

29 (d) For purposes of this section, an “Asian rice based noodle”
30 is defined as a confection that contains rice powder, water, wheat
31 starch, and vegetable cooking oil. The ingredients shall not include
32 any animal fats or any other products derived from animals. An
33 Asian rice based noodle is prepared by using a traditional method
34 that includes cooking by steaming at not less than 130 degrees
35 Fahrenheit, for not less than four minutes.

36 ~~(d)~~

37 (e) All manufacturers of Asian rice based noodles shall place a
38 label on the Asian rice based noodle as prescribed by Section
39 111223.

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

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