

AMENDED IN ASSEMBLY JUNE 21, 2010

AMENDED IN SENATE MAY 18, 2010

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 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.

This bill would also require the local enforcement agency to approve the manner in which Asian rice based noodles kept at room temperature are to be consumed, cooked, or destroyed.

~~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.~~

By imposing new duties upon local agencies and expanding the definition of a crime, 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. 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
6

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

3 111222. For purposes of this article the following definitions
4 shall apply:

5 (a) “Asian rice based noodle” is defined as a confection that
6 contains rice powder, water, wheat starch, and vegetable cooking
7 oil. The ingredients shall not include any animal fats or any other
8 products derived from animals. An Asian rice based noodle is
9 prepared by using a traditional method that includes cooking by
10 steaming at not less than 130 degrees Fahrenheit, for not less than
11 four minutes.

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

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

22 111223. (a) All manufacturers of Asian rice based noodles
23 shall place a label on the packaging of Asian rice based noodles
24 that indicates the date and time of manufacture and includes a
25 statement that the Asian rice based noodles are perishable and
26 must be consumed within four hours of manufacture.

27 (b) All manufacturers of Korean rice cakes shall place a label
28 issued by the Korean Rice Cake Association Corporation on the
29 Korean rice cake that indicates the date of manufacture. The Korean
30 rice cakes label shall include a statement that the rice cake must
31 be consumed within one day of manufacture.

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

34 114429.5. (a) Notwithstanding Sections 113996 and 114343,
35 and if permitted by federal law, a food facility may sell Asian rice
36 based noodles that have been kept at room temperature for no more
37 than four hours.

38 (b) Asian rice based noodles that have been kept at room
39 temperature shall be consumed, cooked, or destroyed in a manner

1 approved by the *local* enforcement agency within four hours of
2 manufacture.

3 (c) At the end of the operating day, Asian rice based noodles
4 that have been kept at room temperature for more than four hours
5 shall be destroyed in a manner approved by the *local* enforcement
6 agency.

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

14 (e) All manufacturers of Asian rice based noodles shall place a
15 label on the Asian rice based noodle as prescribed by Section
16 111223.

17 ~~SEC. 5. No reimbursement is required by this act pursuant to~~
18 ~~Section 6 of Article XIII B of the California Constitution because~~
19 ~~the only costs that may be incurred by a local agency or school~~
20 ~~district will be incurred because this act creates a new crime or~~
21 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
22 ~~for a crime or infraction, within the meaning of Section 17556 of~~
23 ~~the Government Code, or changes the definition of a crime within~~
24 ~~the meaning of Section 6 of Article XIII B of the California~~
25 ~~Constitution.~~

26 *SEC. 5. No reimbursement is required by this act pursuant to*
27 *Section 6 of Article XIII B of the California Constitution for certain*
28 *costs that may be incurred by a local agency or school district*
29 *because, in that regard, this act creates a new crime or infraction,*
30 *eliminates a crime or infraction, or changes the penalty for a crime*
31 *or infraction, within the meaning of Section 17556 of the*
32 *Government Code, or changes the definition of a crime within the*
33 *meaning of Section 6 of Article XIII B of the California*
34 *Constitution.*

35 *However, if the Commission on State Mandates determines that*
36 *this act contains other costs mandated by the state, reimbursement*
37 *to local agencies and school districts for those costs shall be made*

1 *pursuant to Part 7 (commencing with Section 17500) of Division*
2 *4 of Title 2 of the Government Code.*

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