

ASSEMBLY BILL

No. 384

**Introduced by Assembly Member Perea
(Coauthor: Assembly Member Gallagher)**

February 18, 2015

An act to amend Section 110485 of the Health and Safety Code, relating to food safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 384, as introduced, Perea. Food safety.

Existing law, the Sherman Food, Drug, and Cosmetic Law, prohibits the manufacture, packing, or holding of processed food unless in a food processing facility duly registered with the State Department of Public Health, upon payment of an annual registration fee. The law requires, until January 1, 2016, and in addition to the annual registration fee, every person engaged in the manufacture, packing, or holding of processed food, with specified exceptions, to pay a \$100 food safety fee to be used by the department, upon appropriation, to assist in developing and implementing education and training programs related to food safety. The violation of these provisions is a crime.

This bill would delete the January 1, 2016, repeal date for the food safety fee, thus extending its duration indefinitely. By changing the definition of an existing 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 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. Section 110485 of the Health and Safety Code
2 is amended to read:
3 110485. (a) Every person who is engaged in the manufacture,
4 packing, or holding of processed food in this state shall pay a food
5 safety fee of one hundred dollars (\$100) to the department in
6 addition to any fees paid pursuant to Section 110470.
7 (b) Revenue received pursuant to this section shall be deposited
8 in the Food Safety Fund created pursuant to Section 110050. A
9 penalty of 10 percent per month shall be added to any food safety
10 fee not paid when due.
11 (c) Upon appropriation, the food safety fees deposited in the
12 Food Safety Fund shall be used by the department to assist in
13 developing and implementing education and training programs
14 related to food safety. These programs shall be developed in
15 consultation with representatives of the food processing industry.
16 Implementation shall include education and training in the
17 prevention of microbial contamination.
18 (d) This section does not apply to companies exclusively
19 involved in flour milling, dried bean processing, or in the drying
20 or milling of rice, or to those individual registrants the director
21 determines should not be assessed because substantial economic
22 hardship would result to those registrants. For the purposes of this
23 subdivision, the substantial hardship exemption shall be extended
24 only to registrants whose wholesale gross annual income from the
25 registered business is twenty thousand dollars (\$20,000) or less.
26 ~~(e) This section shall remain in effect only until January 1, 2016,~~
27 ~~and as of that date is repealed, unless a later enacted statute, that~~
28 ~~is enacted on or before January 1, 2016, deletes or extends that~~
29 ~~date.~~
30 SEC. 2. No reimbursement is required by this act pursuant to
31 Section 6 of Article XIII B of the California Constitution because
32 the only costs that may be incurred by a local agency or school
33 district will be incurred because this act creates a new crime or
34 infraction, eliminates a crime or infraction, or changes the penalty
35 for a crime or infraction, within the meaning of Section 17556 of

- 1 the Government Code, or changes the definition of a crime within
- 2 the meaning of Section 6 of Article XIII B of the California
- 3 Constitution.

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